



## **PLANNING COMMITTEE**

**28th January 2026 at 9.30 a.m.**

### **Present:**

Councillor Hasthorpe (in the Chair)

Councillors Bright, Emmerson, Hudson, Humphrey, Kaczmarek, Lindley, Mickleburgh, Pettigrew, and Shutt.

### **Officers in attendance:**

- Martin Dixon (Planning Manager)
- Lauren Birkwood (Senior Town Planner)
- Lara Hattle (Senior Highway Development Control Officer)
- Adam Brockbank (Highway Development Control Officer)
- Tracy Lovejoy (Locum Lawyer)
- Charlotte Trench (Trainee Solicitor)
- Sophie Pickerden (Committee Support Officer)

### **Others in attendance:**

- Councillor Jackson (Waltham Ward Councillor)

There were eight members of the public and one member of the press present.

### **P.63 APOLOGIES FOR ABSENCE**

Apologies for absence were received for this meeting from Councillor Parkinson.

### **P.64 DECLARATIONS OF INTEREST**

There were no declarations of interest declared.

### **P.65 MINUTES**

RESOLVED – That the minutes of the Planning Committee meeting held on 7<sup>th</sup> January 2026 be approved as a correct record.

**DEPOSITED PLANS AND APPLICATIONS****Item 1 - DM/0443/25/FUL – Waltham Gateway Academy  
Sunningdale Waltham**

Ms Birkwood introduced the application and explained that the application had been brought before the Planning Committee due to objections from neighbours. She outlined to the committee the key matters regarding the application as detailed in the officer's report within the agenda papers. Ms Birkwood stated that condition seventeen needed amending to include acoustic performance and means for noise measures and an additional condition was proposed to be included requiring that an acoustic fence be installed on the northern boundary. She said that the application was recommended for approval with conditions

Mr Brown spoke in objection to the application. He said that it had taken four months for the Planning Department to get amended drawings which accurately reflect what had been built, and those corrections would not have been able to be done without him investigating and passing concerns on. Mr Brown said that the current drawings still contained errors. He said that policy five of the local plan provided guidance regarding amenity, suitability, sustainability and should ensure that new developments did not have an adverse impact in terms of noise disturbance, air quality and visual intrusion. Mr Brown said that despite that, the council had allowed the uncontrolled construction of a visual intrusive sprinkler water storage tank, directly opposite his home which has changed their aspect to that of an industrial estate. He said that it had an overbearing presence that diminished the pleasant character of the neighbourhood. Mr Brown stated that the tank was a blight on the residential amenity of the residents of Sunningdale and those in the surrounding streets. He said that the proposed screening of the tank and its associated pump room by fencing was offensive and the planting of two trees would not soften the impact. Mr Brown said that independent consultants had informed him that the tank was larger than necessary and whilst he had brought that issue to the attention of the council, they had not engaged in any meaningful dialogue with him. Mr Brown said there was a constant droning noise of the air source heat pumps and that noise came through to their home, preventing them from sleeping and affecting their health and wellbeing. He stated that 140 complaints had been sent to the Health Department at the council and he had no confidence in the current proposals for the sound insulation of the air source heat pumps. Mr Brown said that there was no up to date acoustic design work and it was evident from the drawings, that the extent of the acoustic lining had been designed to protect the school from the noise generated by the pumps rather than the neighbouring residents. He said that the conditions imposed on the original planning consent, were entirely consistent with the council plan and policy 5, but the ad hoc installation of the tank, pump house and air source heat pumps had taken place without the usual checks and balance that the planning

process was designed to provide. Mr Brown said that the current proposal appeared to be an attempt to try and mask failures and, if retrospective planning permission was granted, it would show a disregard to the national planning policy framework.

Mr Brown stated that he had submitted a photograph of the water tank to the Planning Department to be shown at the meeting. Officers tried during the meeting but were unable to locate the photograph that Mr Brown had sent.

Ms Scott spoke on behalf of the applicant. She said that she felt it was prudent to give an overview of the current stage of the project and what needed to be done. Ms Scott said that she fully appreciated that it had been a difficult build for neighbours and the community. She said that the sprinkler tank was in its agreed location approved by the Planning Committee, but this element of the scheme was not yet complete, with the additions of close bordered fencing and soft planting which would screen the tank. Ms Scott said that this would soften the current view and overtime as the planting matures also shield the close bordered fence. She said that there were other schools in North East Lincolnshire with sprinkler systems and tanks and their installations were strongly recommended by the Fire Brigade. Ms Scott said that the air source heat pump location was not outlined on the proposed site location plan but was indicated on the floor plans and elevations at the time of the original application. She said that this was due to the project being a design and build with the design requiring finalisation. Ms Scott said that the air source pump housing currently located next to the sprinkler tank was never indicated on the plans and this was due to the design needing finalisation. She said that a solution had been agreed with the contractor regarding the noise coming from the air source heat pumps and there was an expectation that this would be completed by the end of the week, subject to weather conditions. Ms Scott said that the compound which surrounds the heat pumps and their associated kits, would be surrounded by acoustic fencing, which would significantly reduce the noise. In addition, the acoustic fencing would be shielded further through the soft planting of trees and shrubs, which in turn would provide a further noise reduction. She said that due to the delay in the completion of the build, there was still some outstanding external ground works to do which could not be addressed currently due to weather conditions but would be undertaken in the Spring. Ms Scott said that included the soft planting around the building and perimeter fence line which would provide a softer barrier between the school and its neighbours, the completion of the school playing fields and sports pitch, the reinstatement of grass verges and associated areas around the school maze entrance, and the completion of the site's wire mesh perimeter fencing. She said that there did appear to be some misinformation with an image regarding the perimeter fencing treatment where the fencing was indicated as solid timber rather mesh fencing and this had garnered some concern. Ms Scott said that the image was not correct, and she advised that the image may have been AI generated or something similar. She said that there was an addition of one window, and this was required in order to

provide necessary ventilation to the server room. Ms Scott said that the kitchen extractor fan would be partially screened through the screening of the sprinkler and as the soft landscaping along the perimeter fencing matured, this would further screen the elevation of the school from its neighbours. Ms Scott said that the roof to the external canopy adjacent to the key stage one playground had been replaced from a solid structure to a transparent roof.

Councillor Jackson spoke as a Ward Councillor for the Waltham Ward. He said that he was present to object to what were basically major amendments to the application and it appeared that vital parts of infrastructure of the school were an afterthought. Councillor Jackson said that it was a council project and we had construction on the site without planning consent and we were now applying for retrospective permission. He asked what sort of message that sent to residents when the council was acting this way. Councillor Jackson said that he was here to object to the application on behalf of residents and Mr Brown had outlined a lot of the problems. He said that he specifically wanted to object to the five-metre high and four metre diameter sprinkler tank and the air source heat pumps. Councillor Jackson said that he had seen the photograph submitted by Mr Brown and the sprinkler tank was undoubtedly close to the properties on Sunningdale. He said that the tank was riveted steel with a galvanised finish so was bright and there had been no effort made to make it blend in. Councillor Jackson stated that it was an eyesore and made the school look like an industrial site in a residential area. He said that the air source heat pumps were installed and operating and were noisy, making a droning noise, so the site not only looked like a factory, but was starting to sound like one as well. Councillor Jackson said that the noise was causing disturbance to residents and causing them to lose sleep. He didn't think the proposed landscaping would offer any screening any time soon as trees took time to grow, and he didn't believe the acoustic fencing was going to be a significant block to the sort of noise the air source heat pumps were generating. Councillor Jackson said that he felt the whole situation had been handled badly, and there had been a total lack of consideration for the residents of Sunningdale during the process. He said that he hoped the Planning Committee would refuse the application or, as a minimum, agree to a site visit so members could hear and see the problems themselves, and members would get a much better appreciation for the issues when they were there.

Councillor Pettigrew said that the application was for a raft of retrospective things, and some of those were major parts of the project and should have been discussed prior to being built. He said that it was a disappointing and embarrassing position to be in at it was a council project, but members had to consider the application as it was. Councillor Pettigrew said that he didn't know why solar panels were not included in the original plan, and why a sports store had to be added as it was a new school from scratch. He said that the main issues were the sprinkler tank and the acoustic fencing as a three-metre-high acoustic fence was a visual intrusion and wasn't expected on the original plans.

Councillor Pettigrew said that whilst the sprinkler tank was indicated on the original plans, not in his wildest dreams did he think that it would be a tank of this size and, if members had had that information, they could have made an informed decision and raised concerns at the time. Councillor Pettigrew said that the sprinkler tank was not what he had expected, and for it now to be built and for members to be told it was now an essential safety feature, didn't wash and it was something that needed more thinking about and input. He said that a design and build approach was not the way the council should be approaching a major project. Councillor Pettigrew said that he would listen to the debate, but at present, he couldn't support the application as he was sure the sprinkler tank had an adverse impact on residential amenity and looked like it should be on an industrial site.

Councillor Hudson said that he didn't support the initial application, and he thought the idea that we had to build a school on the land just because we owned the land was ridiculous from the start and we should have built the school elsewhere. He said that there was a good case to not build the school on this site as there was a school in the area that could cope with capacity. Councillor Hudson said that Councillor Jackson had also spoken against the initial application. He said that for the members that supported the application, we were now seeing the problems with building the school on this site. Councillor Hudson stated that there wasn't even a drop off point proposed for parents to drop off their children, and we knew people would have to travel to the school as there was already a school in Waltham which could cope with capacity. He said that residents had said they would suffer as a result of the development and they now were. Councillor Hudson said that the sprinkler tank was horrendous, and it could have been put elsewhere on site. He said that for residents to have to hear a constant drone was horrendous and could not be allowed to carry on. Councillor Hudson said that we could not impose this on residents who didn't want the school in the first place, and if we had listened to them, we wouldn't have the problems we now had. He said that the council should have done a land swap and built a school on a site with lots of space. Councillor Hudson stated that he didn't support the initial application and wouldn't support the current application. He proposed that the application be refused.

Councillor Bright said that noise appeared to be a main issue, and he couldn't see that a noise impact assessment had taken place.

Ms Birkwood responded that a noise impact assessment had been undertaken as part of the original approval, and the sprinkler tank was included on the original approval. She said that a noise impact assessment was currently pending as a discharge condition. Ms Birkwood said that environmental officers were happy with the recommendation provided within the assessment which included the acoustic fencing.

Councillor Bright sought clarification that readings were taken using receptors in neighbouring properties.

Mr Dixon said that he didn't think that had been done, but the assessment was based on technical information. He said that Environmental Health officers were content with their technical advice that the noise would be mitigated by what had been proposed.

Councillor Bright said that it would have been useful to have that information included in the officer's report. He said that he wasn't sure why a vertical tank was chosen rather than a horizontal one, which could have been fully screened. Councillor Bright said that it was ridiculous to have a vertical tank so close to houses. He said that he was leaning towards supporting refusing the application but would like to see the site and see and hear the residents' perspective. Councillor Bright proposed that the application be deferred in order for a site visit to take place.

Councillor Emmerson seconded the proposal to defer the application in order for a site visit to take place.

Councillor Mickleburgh said that he agreed with Councillor Jackson. He said that what was proposed were not minor amendments. Councillor Mickleburgh said that the application was proposing all sorts of things that were not in the original proposal, and he would have thought as it was a project from scratch, some of these issues would have been addressed. He stated that he was concerned that a photograph submitted by an objector had been lost. Councillor Mickleburgh said that he would hate to live somewhere where there was a constant droning noise. He seconded the proposal to refuse the application.

Councillor Lindley said that the original application was deferred initially, then approved. He asked how we can miss off such massive parts of the development and stick them in as variations. Councillor Lindley stated that they were huge amendments, and he didn't think officer's photographs showed the actual scale. He said that he would support the proposal of a site visit. Councillor Lindley said that the Planning Committee had complained about retrospective applications for years, and he wasn't sure how we could complain about other people submitting retrospective applications if the council was doing the same. He said that he didn't think he could decide on the application at present but would support the proposal to defer the application to allow for a site visit to take place. Councillor Lindley said that serious questions needed to be asked regarding what happened if the current application was refused as the site was partly built out. He said that if other members didn't support deferring the application to allow for a site visit, then he would be mindful to support the proposal to refuse the application.

Councillor Kaczmarek said that the concern seemed to be the sprinkler tank, the pump house and the air source heat pumps. He said that he didn't think he could support the proposal to refuse the application and that was not because he wanted the application to be approved but instead thought a site visit was the reasonable middle ground. Councillor Kaczmarek said that a site visit would allow members the opportunity to

see and hear the issues. Councillor Kaczmarek said that he was fine with the rest of the application, even though he didn't like retrospective applications.

Councillor Shutt agreed with most of what had been said. He stated that he hadn't supported the original application. Councillor Shutt said that he would not expect the council to be submitting a retrospective planning application. He said that he would not support the proposal to refuse the application but would support the proposal to defer the application so a site visit could take place.

RESOLVED - That the application be deferred to allow for a site visit to take place.

(Note - the committee voted unanimously for the application to be deferred.)

## **Item 2 - DM/0944/25/FUL – 36 The Drive, Waltham**

Ms Birkwood introduced the application and explained that it had been brought before the Planning Committee due to an objection from Waltham Parish Council. She outlined to the committee the key matters regarding the application as detailed in the officer's report within the agenda papers. Ms Birkwood stated that condition nine needed amending from ten metres to two metres. She said that the application was recommended for approval with conditions.

Ms Walker spoke as the agent for the application. She said that planning permission had already been granted by the Planning Committee unanimously for two dwellings on the site. Ms Walker said that the current application did not seek to revisit that principle but was instead before the Planning Committee due to revised access arrangements. She said that the variation was to relocate the driveway further north following the line of the site boundary. Ms Walker said that the design amendment had been made following discussions with prospective purchasers of the plots. She said that the landscaping changes associated with the revised access arrangements would mean the removal of some trees, but those trees were not protected by Tree Preservation Orders and the council's trees and woodlands officer had raised no objection to the application subject to the detailed landscaping condition. Ms Walker addressed Waltham Parish Council's objection. She said that the council's trees and woodlands officer had confirmed during the original application that the proposed Hawthorne hedgerow was appropriate and in keeping with the character of The Drive and that boundary treatment had been retained in the amended proposals. Ms Walker said that in Waltham Parish Council's objection, they had referred to the number of trees being reduced as from forty-five to twenty-seven, but that was not the case, and the previously approved scheme had thirty-five trees, and the amended proposals had twenty-nine. Ms Walker stated that the landscaping plans submitted currently were indicative, demonstrating the principle rather than the final design and specification.

She said that the final number and location of planting would be agreed through the detailed landscaping condition. Ms Walker said that the application was for a modest amendment to an already approved scheme, and any potential landscaping impacts could be managed through conditions already recommended.

Councillor Bright said that he thought the agent had covered all the issues. He said that the trees that were being removed were not protected by Tree Preservation Orders. Councillor Bright said that he saw no reason to refuse the application.

Councillor Pettigrew said that he had no issue with the removal of the trees and there was a condition proposed regarding landscaping which would serve to replace the trees. He said that he didn't see any reason to refuse the application.

Councillor Lindley said that landscaping changes would have minimum impact, and he thought could have a positive impact on the development. He said that there were no objections other than from Waltham Parish Council. Councillor Lindley said that the trees and woodlands officer was the expert and he was happy to listen to him.

Councillor Hudson proposed that the application be approved.

Councillor Lindley seconded the proposal to approve the application.

Councillor Shutt said that he agreed with what the other committee members had said.

RESOLVED – That the application be approved with conditions.

(Note - the committee voted unanimously for the application to be approved with conditions.)

## **P.67 PLANS AND APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

The committee received plans and applications determined by the Director of Economy, Environment and Infrastructure under delegated powers during the period 19<sup>th</sup> December 2025 – 15<sup>th</sup> January 2026.

RESOLVED – That the report be noted.

## **P.68 PLANNING APPEALS**

The committee received a report from the Director of Economy, Environment and Infrastructure regarding outstanding planning appeals.

RESOLVED – That the report be noted.

**P.69 EXCLUSION OF PRESS AND PUBLIC**

RESOLVED – That the press and public be excluded for the following business on the grounds that its discussion was likely to disclose exempt information within paragraph 6 of Schedule 12A of the Local Government Act 1972 (as amended).

**P.70 ENFORCEMENT ISSUES**

The committee considered any requests from any member of the committee to discuss any enforcement issues.

RESOLVED – That the enforcement issues raised by the committee be investigated further.

There being no further business, the Chair closed the meeting at 10.40am.

## Minute of the Planning Committee 28th January 2026

**Item:** 1

**Application Number:** DM/0443/25/FUL

**Application Type:** Variation of condition

**Application Site:** Waltham Gateway Academy Sunningdale Waltham North East Lincolnshire

**Proposal:** Variation of Conditions 1 (Approved Plans) and 7 (Landscaping) following DM/0302/25/FUL including alterations to the nursery canopy to rear from solid roof projection to a freestanding structure, installation of additional classroom louvre and external chiller to front, installation of PV panels to front and side, alterations to ventilation plant to rear, erection of detached single storey sports store, sprinkler tank and pumphouse to side, minor alterations and planting of landscaping (AMENDED PLANS - ACCOUSTIC FENCING/LANDSCAPING)

<b>Applicant's Name and Address:</b> Hobson & Porter Clifford House Malmo Road Sutton Fields Industrial Estate Kingston Upon Hull HU7 0YF	<b>Agent's Name and Address:</b> Watson Batty Architects Ltd (MB) Shires House Shires Road Guiseley Leeds LS20 8EU
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**Deposited:** 27th May 2025

**Accepted:** 25th June 2025

**Expiry Date:** 3rd September 2025

**Agreed Extension of Time Date:**

**Case Officer:** Lauren Birkwood

**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 28th January 2026

**Item:** 2

**Application Number:** DM/0944/25/FUL

**Application Type:** Full Application

**Application Site:** 36 The Drive Waltham North East Lincolnshire DN37 0FB

**Proposal:** Variation of Condition 2 (Approved Plans) following DM/0107/25/FUL to include revised access road and relocation of parking

<b>Applicant's Name and Address:</b> Mr Bryan And Mrs Eileen Blanchard 2 Abbey Park Road Grimsby North East Lincolnshire DN32 0HR	<b>Agent's Name and Address:</b> Georgina Walker Hodson Architects The Old Post Office Yarra Road Cleethorpes North East Lincolnshire DN35 8LS
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**Deposited:** 5th November 2025

**Accepted:** 17th November 2025

**Expiry Date:** 12th January 2026

**Agreed Extension of Time Date:** 30th January 2026

**Case Officer:** Lauren Birkwood

**Decision:** Approved with Conditions

- 1 Condition  
The development hereby permitted shall begin by 11th July 2028.

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:

Proposed Site Plan - 2546-P001\_P06

As approved under DM/0107/25/FUL;

Site Location Plan - 2546.E001\_P01

Proposed Ground Floor Plan for House Type A - 2546.P100\_P03

Proposed First Floor Plan for House Type A - 2546-P101\_P02

Proposed Roof Plan for House Type A - 2546-P102\_P01

Proposed Front and Rear Elevations for House Type A - 2546-P103\_P02

Proposed Side Elevations for House Type A - 2546-P104\_P02

Proposed Ground Floor Plan for House Type B - 2546-P200\_P03

Proposed First Floor Plan for House Type B - 2546-P201\_P01

Proposed Roof Plan for House Type B - 2546-P202\_P01

Proposed Front and Rear Elevations for House Type B - 2546-P203\_P02

Proposed Side Elevations for House Type B - 2546-P204\_P02

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 proposed development shall be erected in strict accordance with the materials specified within the application form (received 14th February 2025) and as stated on drawing nos. 2546-P103\_P02, 2546-P104\_P02, 2546-P203\_P02 and 2546-P204\_P02, as approved under DM/0107/25/FUL, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a suitable finish to the development 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 foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Included shall be confirmation of existing and proposed ground levels and finished floor levels. The development shall then be built out in accordance with the approved details and the drainage implemented prior to occupation of each dwelling. It shall be retained thereafter.

Reason

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

- 5 Condition  
No dwelling shall be occupied until a scheme for water re-use to achieve an efficiency standard of 110 litres per person per day has been submitted to and approved in writing by the Local Planning Authority. Once approved, the dwellings shall be completed and 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).

- 6 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 ecology and in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

- 7 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).

- 8 Condition  
Development shall not begin until details showing the location, layout, design and method of construction of the altered vehicular access, driveway, 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, driveway, parking and manoeuvring space 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).

- 9 Condition  
No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2m behind the Highway boundary. They 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 (loose stones, etc.) in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

- 10 Condition  
No development shall commence until a scheme of landscaping, to accord with the principles as shown on drawing no. 2546-P001\_P06, showing the details of the number, species, sizes, planting positions and maintenance schedules of all trees and shrubs to be planted have been submitted to and approved in writing by the Local Planning Authority. All planting shall be carried out in accordance with the approved details within 12 months of the date of commencement of the development or within such longer time as agreed in writing with the Local Planning Authority and all planting shall thereafter be maintained for a period of 5 years with all losses in that period replaced with the same plant and standard.

Reason

In the interest of visual amenity to accord to Policies 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

- 11 Condition  
The development must be carried out in line with the recommendations identified in Paragraph 5 of the Preliminary Ecological Appraisal (dated May 2025) submitted, as approved under DM/0107/25/FUL, unless otherwise agreed in writing with the Local Planning Authority.

## Reason

In the interests of ecology and to accord with Policy 41 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 4.5 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.

- 1 Reason for Approval  
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal, as amended, would not harm the area character or residential amenity 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  
There shall be no raising of the ground levels.
  
- 6 Informative  
At least 6 months before works begin on site, you must contact Highways Management Team on 01472-324532 about forming a vehicular access within the existing highway.