

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-1034-25 **Applicant:** Scenic Homes Ltd
Proposal: Residential Development - Outline approval H01-0517-22
Location: Land At 110 & 112 Barrier Bank Cowbit Spalding
Terminal Date: 13th February 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
 Section 5 - Delivering a sufficient supply of homes
 Section 11 - Making effective use of land
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 15 - Conserving and enhancing the natural environment
 Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	1	0	2

CASE OFFICER ASSESSMENT

Site Description

The site is located on the northern side of Barrier Bank close to the village church and school. It is presently occupied by an old post office building at the front of the site, with agricultural type buildings and open land to the rear. A hedge and trees delineates much of the western boundary. The eastern boundary is less well defined. There are residential units to the east and west of the site

Proposal

The proposal seeks approval of reserved matters in relation to outline approval ref: H01-0517-22, specifically access, appearance landscaping, layout and scale.

The application seeks approval for 5 dwellings and the retention of the old post office. It is intended to submit a future application for conversion of the post office to residential.

The submitted drawings show 5 detached dwellings of varying sizes and designs. The nearest dwelling to the entrance, comprises plot 1, a 4 bed dwelling that would sit on the eastern side of the access road and adjacent to the neighbouring house 114 Barrier Bank.

Further in the site, plot 2 (4 Bed) and plot 3 (3 bed) would sit to the western side of the access and alongside the rear garden 108 Barrier Bank. Plots 4 (5 bed) and 5 (6 bed) are the largest and sit to the rear of the site. Number 5 would be adjacent to The Coach House 2 Stonegate.

Land to the north (rear) of the site is denoted in blue, described as paddocks and pedestrian access to that land is to be made available as part of this application. It should be noted that this proposal does not relate, in any way, to the creation of permitting of the use of land relating to this area outside of the red line boundary.

Overall, 18 parking spaces are proposed divided as follows:

Plot 1 = 2 spaces;

Plot 2 = 2 spaces in front of a single garage;

Plot 3 = 2 spaces;

Plot 4 = 2 spaces in front of a double garage;

Plot 5 = 4 spaces (tandem) in front of a double garage;

Visitor space = 1.

Planning History

H01-0517-22

- Outline approval for residential development 28 October 2022, subject to the following conditions. This is the approval for which the current reserved matters application relates.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Drainage Board

The drainage strategy for the site is not identified in the application. It is recommended that this is provided. If it is proposed to discharge surface water to a watercourse consent would be required under Byelaw 3. Any discharge should be in line with the national standards for sustainable drainage systems (SuDS). The Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher.

It is also not clear how the foul water from the development is to be discharged. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Lincolnshire County Council Highways and SUDs

Recommendation: No objection

The access to the proposed development site has suitable visibility for safe access and egress with sufficient parking and turning provision made within the development site to allow vehicles to enter and leave in a forward gear.

This application is classified as a Minor Application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

No objections to amendments.

Lincolnshire County Council Archaeology

Comments note the high potential for the proposed development to have an impact on as yet unrecorded archaeological remains. Any impact should be recorded prior to their destruction.

Recommend an archaeological condition for a mitigation strategy comprising a phased approach of archaeological investigation and mitigation work. This would include a trial trench evaluation of the site and would inform a programme of further archaeological mitigation work enabling any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

This should be secured by South Holland District Council's standard conditions AR01, 02, 03 and 05.

No objection to the amendment. A fieldwork archaeological evaluation, required as a result of outline approval H01-0517-22, is currently underway in late January-early February 2026.

SHDC Environmental Protection

Apply standard working hours for the construction and demolition phase to protect nearby residents. No comments regarding land contamination

Cowbit Parish Council

Pleased to see the old Post Office building retained and look forward to seeing a planning application for its renovation.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the

Council's Statement of Community Involvement. In this instance, 7 letters of representation have been received from 5 different parties.

These can be summarised as follows:

Privacy

- Loss of privacy for neighbouring properties, particularly the Coach House, which will be directly overlooked by the tall six bedroom Plot 5 house.
- Removal of boundary hedges between 108 and 110 Barrier Bank would further reduce privacy and should not occur.
- Full privacy must be maintained so that no new property overlooks 108 Barrier Bank.

Overshadowing

- The Plot 5 house appears to be three storeys and will overshadow and dominate the Coach House.

Access & Traffic

- Concern regarding traffic, particularly construction traffic existing onto Barrier Bank used as a bus stop and school drop off zone.

Energy & Sustainability

- Renewable energy features such as solar panels should be included. How proposal meets net zero is not fully explained.
- Heat pump installation on Plot 5 may cause noise issues for the Coach House, especially if positioned on the east side. Noise mitigation for heat pumps must be detailed.

Archaeology & Heritage

- Development may erode the historic, medieval, rural character of Cowbit.
- A full archaeological survey (above and below ground) was required under H01 0517 22 and should be required again.

Variety of Housing

- The development consists solely of detached houses, reducing housing diversity and marks a shift from a traditional farming village to a more suburban character.

Sewerage Capacity

- Existing sewerage infrastructure already struggles, with blockages affecting the Coach House. Additional load from the development may exceed capacity.

Drainage & Flood Risk

- No water management plan has been provided. The site is low lying and prone to flooding; the boundary follows an old open drain that floods in wet periods.
- Buildings must not be erected within 2 metres of private drains under the Land Drainage Act 1991 and local byelaws. Plot 4's garage appears to be planned directly alongside the drain between 108 and 110 Barrier Bank, contrary to these requirements.

Biodiversity & Ecology

- A full ecological survey, equivalent to that required under planning consent H01 0517 22, should be repeated for this application.
- Biodiversity covenants should extend from 5 years to at least 20 years.
- Boundary hedges and mature Beech, Willow, Ash and thorn species support diverse ecosystems and must be protected.
- The site is a valuable wildlife habitat with numerous bird species, insects, mammals, dormice, deer, bats and owls.
- The barn near the Coach House hosts bats and little owls; demolition risks disturbing protected species.
- Swift and bat boxes are insufficient to demonstrate biodiversity protection.
- The development must comply with Biodiversity Net Gain policy.

Plans for the Paddocks

- Clarification is needed regarding future plans for the paddocks behind Plots 4 and 5.

Construction Issues / Ground Stability

- Management of boundaries to maintain integrity and stability of the Victorian garden wall when agricultural buildings are removed. The Coach House has had subsidence issues in the recent past due to soil conditions. Building a six bedroom house so close may well cause structural issues to the Coach House.
- The application does not address vibration (including piling), noise, dust, smell, fires, construction traffic, run off, or pollution control.
- Early works began without neighbour notification; considerate construction practices are required.
- No plan is provided for handling contaminated land, underground tanks, asbestos, or safe waste removal.

House Design/quality/layout

- The developer has proven to build good quality homes locally. The visual appearance and materials proposed are well considered, matching the surrounding house designs.
- The village is in need of more quality housing. The land is currently an eyesore as the buildings are derelict. The developer has taken care to avoid encroaching on any of the neighbours privacy.
- Care has been taken to ensure that wildlife still has plenty of space to thrive by leaving large areas of green space.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents
- Highway Safety and Parking
- Flooding and foul and surface water considerations
- Heritage Considerations
- Biodiversity Net Gain and Ecology
- Compliance with conditions of the Outline approval.
- Other Matters

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable

development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Minor Service Centres', development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2024) outlines, within Paragraph 61, that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 73 of the National Planning Policy Framework (December 2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly". This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

Cowbit is classed as a Minor Service Centre and, as such, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Outline approval has been granted for seven dwellings and as such the principle of development has been established.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December

2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The outline approval established that the depth of the development would be acceptable in the context of the surrounding area.

Consideration has been given to how the houses would be positioned around the access road in order to provide sufficient visual interest, with windows facing onto the access road where possible and the streetscape being broken up by sections of hedging and walling to reduce undue massing impact. The amount of hardstanding was reduced as part of the amended scheme. A bricked enclosure is provided for the bin storage area; albeit, these details are required by way of a discharge of conditions submission, as set out under the Outline permission.

The dwellings proposed are of different sizes and designs which helps to add interest and variety to the development, but there is a cohesive use of materials and window styles. The houses are predominately two storey with only plot 5 being a two and a half storey dwelling. The design of the houses appears to have taken into account those within the local area.

All of the houses are shown to have solar panels. No external heat pumps are shown.

The proposed development is considered to have been adequately and appropriately designed as to ensure that the resultant development would not have a significant or unacceptable detrimental impact upon the character or appearance of the area.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Plot 1 has been deliberately positioned to be alongside 114 Barrier Bank such that it would not have an unduly overbearing impact upon it. The house at plot 1 will however sit slightly forward of that property and as such would be visible from its windows resulting in a slightly poorer outlook.

There is some potential for overlooking from the upper bedrooms of Plot 1 but this would be at an oblique angle and is not an unusual situation in most residential areas. Any loss of privacy would be minor.

There is substantial hedging between plot 3 and 108 Barrier Bank, and trees between plot 4 and the rear garden area to no 108, that prevents undue massing impact or overlooking. This landscaping would be secured by way of condition.

Plot 5 would be positioned to the west of The Coach House and given its proximity would be unlikely to result in a significant loss of light to that property, nor would there be any overlooking as the protruding rear section of the proposed dwelling has no upper windows.

Raising floor levels by around 300mm would not adversely affect residential amenity of surrounding properties.

SHDC's Environmental Protection Officer has requested a construction management plan, which will deal with matters such as noise, vibration and dust during the construction period.

Other matters, such as the resultant finished floor levels, boundary treatments and construction management plans are controlled by condition as set out within the Outline permission. As such, these details are to be provided through a future discharge of conditions application.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposal illustrates that access would be obtained directly from the main highway of Barrier Bank, with a central private access road being formed to serve the five plots. This access road is of sufficient width and provides adequate connectivity through the site.

The Local Highway Authority have been consulted as part of this application and considered that "the accesses to the proposed development site has suitable visibility for safe access and egress with sufficient parking and turning provision made within the development site to allow vehicles to enter and leave in a forward gear". In light of this, no objections have been raised.

Whilst plot 1 would only have 2 parking spaces specifically allocated to it, all of the other properties would meet or exceed the parking standards. There is, in addition, a visitor parking space. Overall it is considered that adequate parking is provided for cars. Cycle parking can easily be provided within the plots, either within the gardens or garages.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flooding and foul and surface water considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test

and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 1 and Flood Zone 2 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Flood Risk Assessment carried out as part of the application for outline approval. The site is in Flood Zone 1 and Flood Zone 2. The site benefits from defences on the River Welland and Coronation Channel and provides protection during the 1% annual probability (1 in 100 chance each year) fluvial event including climate change.

During a breach of the defences the maximum flood depth in the north eastern part of the site is 0.25m OD, an estimated flood level no greater than +3.0m OD.

It is recommended that the floor level of the dwellings is a minimum of 0.3m above ground level and not lower than +3.0m OD with 0.3m of flood resilient construction above finished floor level.

The development passes the Sequential Test, a matter assessed during the previous outline proposal.

Finished floor levels are to be set at 300mm above existing ground level which would mitigate against the risk identified and should ensure that the development is safe for its lifetime. It is noted that Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to increase surface water flood risk.

Whilst no specific details of drainage have been provided as part of the reserved matters application, the outline application indicated that surface water was to be disposed of via soakaways or by a perforated pipe placed under the private access roadway. Foul drainage discharge will be connected to the existing mains that run throughout the site.

Irrespective of these matters, full details with regard to levels and drainage, have been secured under the Outline approval and require the submission of details via a discharge of conditions application.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition (including those pertaining to the outline approval), the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Heritage Considerations

It is noted that the site is within a historic part of Cowbit, but the development itself is unlikely to impact on its historic character. The site does not lie within a conservation area.

The comments from the County Archaeologist show that there is a high chance of significant remains on the site, but did not raise objection to the development, rather a scheme of evaluation and recording. It is noted that the condition imposed on the Outline approval in respect of the Specification for an Archaeological Evaluation and Level I Historic Building Recording was discharged and a field survey carried out in January 2026. Consequently it is not necessary to re-impose the conditions.

In light of this, the proposal is considered to be in accordance with Policy 29 of the SELLP and Section 126 of the National Planning Policy Framework.

Biodiversity Net Gain and Ecology

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

The Outline approval was submitted prior to the introduction of this legislation and therefore the development is exempt from the requirements.

Nevertheless, Section 15 of the National Planning Policy Framework (December 2024) seeks to provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

Although there is no mandatory requirement for biodiversity net gain, condition 12 of the outline approval (as stated above) requires a scheme of landscape and tree planting. It was also accompanied by a note suggesting that all proposed habitat and landscaping should support biodiversity enhancement protected by a legal covenant to home owners which would require them to maintain those elements for 5 years.

The proposals include hedgerows to support habitats and also provides for bat boxes and swift bricks.

The hedgerows would be Yew and Hornbeam as they provide dense year round shelter for birds and small mammals, Laurel, Hawthorn and Blackthorn and they which attracts insects and also provide nesting opportunities.

Taking the above into account, whilst the development in this instance may be exempt from the mandatory 10% net gain, it would remain appropriate, given the context of Section 15 of the National Planning Policy Framework (December 2024) and requirements of Policy 28 of the South East Lincolnshire Local Plan (2019).

Compliance with conditions of Outline approval

This application seeks reserved matters approval. The outline approval comprised a number of conditions (17 in total), with many requiring the submission of details through a discharge of conditions application.

Condition 1 - Condition 3 sets out the time limits for submissions, implementation and the specific reserved matters required for submission. This application provides all the details in relation layout, scale, external appearance, external materials, means of access and landscaping. Condition 4 limits the proposal to no more than 7 dwellings, the application is for 5 plus the potential future conversion of the post office and is therefore compliant.

Conditions 5, 6, 10, 11, 13, 14, and 15 require the submission of details and approval by the Local Planning Authority. Whilst details relating to some of these conditions have been provided as part of this permission, this does not neglect the need for these conditions to be formally discharged.

The applicant or developer should be aware that the Outline Planning Permission (H01-0517-22) to which this Reserved Matters approval pertains, comprises these conditions. Therefore, conditions 5, 6, 10, 11, 13, 14, and 15 require the submission of details and approval by the Local Planning Authority.

Other Matters

It is noted that beyond the matters raised above, other matters have been raised within the public representation received. In this regard, it should be noted that the structural stability of a building is primarily a matter for Building Control. Furthermore, whilst contamination has been raised as a concern, no concerns were raised by Environmental Health in respect of contamination of the land.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by

the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28, 29, 30 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.