DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-1245-25**	**Applicant:**	**Pippard Construction**
Proposal:	Proposed residential development comprising of 3 new build homes & conversion of rural building into 2 dwellings - Retrospective		
Location:	Pumping Station Mill Drove South Cowbit		
Terminal Date:	20th March 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
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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	0	0	1
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for the erection of three new build dwellings and the conversion of an existing building into two dwellings. Landscaping and additional ancillary development is also proposed. This application is made retrospectively, with the work on the dwellings having commenced.

The three two-storey houses are located to the south of the site. At the widest and deepest, each dwelling would measure approximately 8.1m by 14.1m, giving an internal floor area of approximately 170sqm spread evenly over both floors. The height to the eaves would be 5.5m, rising to approximately 8.2m at its apex. Each dwelling would be constructed TBS Old Cottage Blend facing brick, with Marley dark grey interlocking roof tiles. White UPVC windows and doors and black facia and soffits are also proposed.

It is also proposed that the existing Pumping Station building on site would be converted into two dwellings. This would involve significant alterations to the building, although the majority of existing openings and indentations would be retained in some form. The building would be re-roofed with Marley dark grey interlocking tiles.

Basic landscaping, including hedges and limited trees to the front of the dwellings and stone slab patios to the rear, is proposed. Surface water would be disposed of via soakaways, running to the rear of the site before connecting to an Internal Drainage Board water course. Foul water would connect to the main sewer in the road.

Site Description

The site is within the settlement boundaries of Cowbit, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located towards the north-east of the settlement, on the grounds of a former railway. The Pumping Station building on site is recorded in the Lincolnshire HER under reference: MLI126584, and can be considered a non-designated heritage asset (NDHA).

Relevant History

H01- 0871-18 - Outline - Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction - Approved 15.03.2019

H01-1170-22 - Outline - Residential Development - Approved 16.03.2023

H01-0509-23 - Full - Proposed Residential Development of Four Detached Dwellings - Approved 22.11.2023

H01-0098-24 - Prior Approval App - Conversion of Barn to Dwelling - Approved 23.04.2024

H01-0076-24 - Discharge of Conditions - Details of written scheme of archaeological investigation, verification report & construction management (Conditions 4, 12 & 17 of H01-0509-23) - Discharged 26.03.2024

H01-0921-24 - Discharge of Conditions - Details of external materials of construction of buildings & hard surfaced areas, photographic building recording report, Biodiversity Net Gain Plan, scheme of landscaping & tree planting, contamination of land or pollution of controlled waters, surface water disposal, foul water disposal, site & floor levels, prevent the deposit of mud on public highways by vehicles travelling from the site during construction, frontage footway extended North to make connection at the access, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South & external boxes for gas & electricity supplies & of any gas flues & soil vent pipes (Conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 of H01-0509-23) - Refused 12.11.2024

H01-1045-24 - Discharge of Conditions - Details of external materials, landscaping & tree planting, means of surface water disposal, means of foul water disposal, existing & proposed site levels & proposal floor levels, boundary treatments, precautions to be taken to prevent the deposit of mud on public highways, frontage footway & paving and design & positions of all external boxes for gas & electricity supplies and any gas flues & soil vent pipes (Conditions 3, 9, 13, 14, 15, 16, 18, 21 & 22 of H01-0509-23) - Approved 31.01.2025

H01-0007-25 - Discharge of Conditions - Details of photographic building recording, Biodiversity Net Gain Plan and scheme to deal with contamination (Condition 7, 8 & 11 of H01-0509-23) - Approved 27.02.2025

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:

Historic Environment Officer

"Thank you for consulting us on this matter. An archaeological evaluation of the plot and a historic building recording of The Goods Shed were previously undertaken as a result of application H01-0509-23. Two reports setting out the results were subsequently submitted, documenting the building and confirming that no significant archaeological remains were identified. Consequently, no further archaeological input is required for this application. It is therefore not necessary to consult us again unless there are material changes to the proposals. However, should you wish to seek further advice, please contact us and explain the nature of your request"

Highway and Lead Local Flood Authority

"This proposal is for residential development comprising of 3 new build homes & conversion of rural building into 2 dwellings - Retrospective and it does not have an impact on the Public Highway or Surface Water Flood Risk."

Proceed to request two informative conditions and the following condition:

"The development hereby permitted shall not be occupied before a frontage footway (dimensions to be agreed), and to be extended further North to make connection at the access for application shown on H01-1240-22, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property."

Cowbit Parish Council

"Please ensure that they don't restrict the width of the carriageway if/when putting in a footpath".

Conservation Officer

"I write to confirm that I wish to object to this application as currently proposed.

For the sake of clarity, I have no objections to the housing development of 3 properties (plots 1-3). The objections are based solely on the proposed conversion of the Engine Shed (marked on plan as plots 4-5).

The Engine Shed (A.K.A the Goods Shed) is considered to be a non-designated heritage asset (NDHA) by virtue of it's attractive historic detailing and importance to the agricultural history of the locale, being recorded in the Lincolnshire HER under reference: MLI126584, which describes the building like so:

"Two storey brick built former goods shed associated with Cowbit railway station (MLI23554). The goods shed itself was built in 1867 by the Great Northern Railway, and is of through type with two cart docks and attached oÃ???¯ice (the single storey projection), featuring a prominent chimney with stone decoration and a variety of attractive brick detailing. The goods shed is perhaps of greater significance than the passenger station to the south, as it was for the export of the area's agricultural produce that this line was constructed, which continues to thrive as a result of the improved access to markets initially provided by the railway. Goods trains continued to call at Cowbit long after passenger services had finished until the line was closed and the tracks pulled up in 1982. Whilst not Listed, the Cowbit good shed is featured in Historic England's 2016 publication 'The Railway Goods Shed and Warehouse in England'.

A Historic Building Survey undertaken in 2025, revealed that the both the goods shed and goods office is a single storey building of English bond brick with a gable roof and interlocking tiles, aligned north west to south east. The west elevation is divided into five recessed bays with a arched window in each of them. The east elevation contains two large entrances which would have entrances for the loading bay and a cart entrance. Both the north and south elevations contain entrances for locomotives. The goods office contains two arched windows on its south elevation. The interior of the goods shed is open to the roof and contain trusses on an axial beam running the length of the building, which suggest that it originally supported a crane mechanism. Evidence of a dock mechanism is present on the north west side of the building. The floor is comprised on concrete, and shows no evidence of a track bed, though a circular indentation exists which has been interpreted as the spot of a wagon turntable. The goods office contains a cast iron fireplace on the north east corner which is thought to be original.

The proposed conversion of the Goods Shed seemingly makes no attempt at design sympathy with this attractive former rail building; seeking to infill and remove all readability of historic openings, reveals and recesses with marley boarding, and replacing character windows and doors with standard dimension PVC fenestration with absolutely no relation to the character of the existing. So great is the proposed harm to the NDHA, that I would suggest that the scale of harm should be recognised as at the higher end of 'substantial' as it seeks to effectively remove or substantially alter more or less every character feature of the structure, save for the chimney stack and pot, and would modernise the appearance of the asset to an extreme degree, resulting in an unattractive form of development. In accordance with this view, I would therefore recommend that without amendment, Para. 216 of the NPPF should be used as justification for a refusal.

Should the applicant be minded to seek amendment, I would suggest that the whole principle behind the proposal should be rethought totally. The agreed class Q conversion under application reference: H01-0098-24 showed that a sensitive and high quality conversion of this building is not outside of the bounds of design, and should be seen as a useful baseline standard in informing what form any future plans for the Goods Shed may take."

South Holland Internal Drainage Board

Objection - The proposed works are unlikely to be acceptable to the Board (in accordance with the policies outlined within the WMA's Development and Consent pages on our website). Resultantly, the Board currently objects to this planning application. The reason for the Board's objection is to

avoid likely conflict between the planning process and the Board's regulatory regime (as outlined below) and to prevent increased flood risk in accordance with National Planning Policy Framework.

Concerns relating to the discharge of water into IDB system and objection due to works within 9m of an IDB asset.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

These can be summarised as:

- Asks that three swift bricks be installed in each house.

Key Planning Considerations

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the settlement of Cowbit which is classed as a minor service centre within Policy 1. As such development will be permitted that supports Cowbit's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The NPPF 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. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.".

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area (..) and are often built-out relatively quickly"). This paragraph 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.

As the site is within Cowbit, development within this location is considered appropriate. The proposal would support the settlement's role as a minor service centre and make a positive contribution to local housing stocks.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 61 and 73 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area and Heritage Considerations

Policy Context - Design

Section 12 of the NPPF, "Achieving well-designed places", states 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture 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. Developments 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, among other considerations.

Paragraph 139 of the NPPF states: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

South Holland do not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well designed places. The NDG is supported by the National Model Design Code (NMDC), which has a greater emphasis on matters such as density and built form, and approaches assessments in a more empirical manner.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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.

Policy Context - Heritage Assets

As previously outlined, the Pumping Station is listed within the HER under MLI126584 and is listed within Historic England's 2016 publication 'The Railway Goods Shed and Warehouse in England' as an exemplary asset. On the basis of the importance of the building, both architecturally and

historically, the building is considered to be a NDHA.

Paragraph 216 of the NPPF states:
"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Policy 29 of the SELLP, "The Historic Environment" states that "distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced". This Policy elaborates on this point, stating: "To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design."

On this basis, weight should be given in favour of the preservation of NDHA such as this. All proposals impacting upon these assets ought to conserve or enhance the appearance of these buildings, in line with Policy 29, or have their harm outweighed by wider benefits, as outlined in Paragraph 216 of the NPPF.

Assessment -Plots 1-3

The proposed three dwellinghouse (Plots 1-3) are of no particular merit or appearance. They are fairly orthodox, brick-built dwellings in a modern style. That being said, they would not harm the appearance of the area. The design is broadly typical of the wider area, helping to naturalise the development. The consistency between the three plots helps to create an identifiable design and sense of place within these units.

The scale is proportionate to the plots they are within and the wider site. Sufficient spacing has been maintained to prevent overdevelopment and the resultant plot density is typical of the area. While the dwelling's height is significant, the proposals are not so tall as to be overly imposing or to overbear upon the pumping station. The decision to set Plot 3 further back would better reveal the significance of the Pumping Station.

The landscaping for these plots is simple but proportionate, being short hedges and the planting of three trees. Given the residential use of the area, and the landscaping present in the wider area, this is considered entirely appropriate.

The proposed materials are considered to be acceptable. Red brick is the primary building material in the wider area, and the so the implementation of the material here would help to integrate the development with the wider area.

For the above reasons, while not exemplary, the proposed designs of Plots 1-3 are considered to be acceptable.

Assessment - Plots 4-5

As previously outlined the Pumping Station is a NDHA. Therefore, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The existing building is positively defined by several factors. The existing brickwork, chimney stack, and openings all contribute positively to the cultural, historical and architectural importance of this building. Page 54 of Historic England's "The Railway Goods Shed and Warehouse in England" document is explicit that key features of GNR railway sheds are the lunettes (halfmoon windows here on the west elevation) and the kneelers. It stands to reason therefore, that, in line with Policy 29, these features which contribute positively to the character of the asset should be preserved.

The proposal would see the loss of two of the lunettes, while the other three would be bricked up but retain the outline of the feature. Due to the need for suitable floor to ceiling heights, utilising these features as windows would be impractical and arguably would be detrimental to the function and appearance of the building. The retention of these features in the form proposed is considered

acceptable, maintaining the positive feature and retaining the existing character of the building. Likewise, the retention of the brick indentations helps to maintain the form of the existing building, retaining an homage to the former industrial character of the building.

The existing openings of the building are to be largely maintained. The existing railway entrance and service doors are to be used for doors, with the remainder of these spaces filled with alternative materials (glass and timber) to highlight these historic openings. This retains the existing proportions and characteristics of the property.

The amendments to create/retain these features were informed by the comments of the Conservation Officer. In light of this, it is considered that their concerns have been addressed.

It is considered that the proposed conversion suitably retains the existing positive characteristics of the building. In light of this, the proposal is considered to be in accordance with Policies 2, 3 and 29 of the SELLP and Sections 12 and 16 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal would have no significant amenity impact. The relevant elevations of the dwellings to the west are largely blank, preventing significant overlooking. Some views into the gardens of these neighbouring dwellings would be available; however, these views are comparable to what has previously been considered preferable within the historic permissions granted on the site. On this basis, it would be inappropriate to resist the application on this basis.

Turning to overshadowing, adequate space to neighbouring plots has been maintained. Likewise, between Plots 1-3, the bulk of shadow cast would be onto blank elevations of dwellings, thereby limiting harm.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

Adequate parking has been maintained on the site. Adequate space to maneuverer vehicles within each plot has also been provided.

The Highway Authority has recommended a condition for the creation of a footway to connect into

the site. This is considered appropriate given the positioning of the scheme.

It should be noted that the Highway comments refer to an objection; however, it has been clarified with the Authority that this was in error.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "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: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "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". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states 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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies almost entirely within Flood Zone 1 of the Environment Agency's Flood Maps, with less than 1% of the site being in Flood Zone 2 (although this area would not contain a dwelling and would simply be part of the site's access). 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the majority of the site is outside of any identified hazard zone, with the north-western section being in a "low hazard" classification of depths 0.25m.

The majority of the site is in Flood Zone 1 and outside of any identified hazard zone. Considering that the bulk of Cowbit is within Flood Zones 2 and 3, and considering that residential development of the site has been consistently considered as acceptable, it is considered that the proposal passes the sequential test.

In any event, all dwellings would be raised by 300mm, therefore ensuring the development would be safe for its lifetime.

The Internal Drainage Board have objected on the basis of intrusion into their byelaw distance. Whilst this is noted, the Drainage Board's byelaws fall under a separate regulatory regime to the planning regime. On this basis, it would be improper to resist the application solely on this point, seeing as the Drainage Board have suitable legislative powers to enforce their byelaws separately. It should also be noted that the offending properties have already commenced construction, meaning that the Board's processes should have already commenced, regardless of this application.

Moreover, the IDB objection is consistent with previous objections on the site, which have not prevented the granting of planning permission. The relevant section of the scheme here would be largely unchanged compared to these historic permissions, so it would be improper to resist the application on this basis.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

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.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

The proposal is not considered exempt from the need for net gain. The submitted information demonstrate that net gain could be realistically achieved on this site.

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 SELLP and the provisions of the NPPF when viewed as a whole.

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 these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 29, 33, and 36 of the SELLP, as well as Sections 9, 12, 14 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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