

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-1273-25 **Applicant:** EA Civils Holdings Ltd

Proposal: Details of external lighting, cctv and a Biodiversity Net Gain Plan
(Conditions 4, 5 & 9 of H01-1053-23)

Location: Land At 66 Barrier Bank Cowbit Spalding

Terminal Date: 9th March 2026

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
03 Design of New Development
28 The Natural Environment
30 Pollution

National Guidance**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
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	3

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 4, 5 and 9 of permission H01-1053-23. Permission H01-1053-23 granted consent for replacement offices and storage buildings within the site.

Initially, the application also sought to discharge condition 8 (surface water drainage details); however, this was removed from the submission during the determination of the application as insufficient information was provided for the condition to be discharged. Rather than refusing the application as a whole, the agent was offered the opportunity to remove this condition from the submission and the agent agreed to this.

Site Description

The site is located on the northern side of Barrier Bank close to the western fringe of the village. It is presently occupied by a commercial building within the centre of the site. Part of the site is currently agricultural / paddock land which has recently been cleared and unbound permeable hardcore laid. A hedge is located along the site's frontage and a number of trees are situated along the western boundary. It is accessed via a layby. Houses are located to the east and west frontage of the site. Open land is situated to the north.

The site is partly within and partly outside the settlement boundary of Cowbit, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is within Flood Zones 1 and 2, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H01-0728-86: (Full Application) Change of use to commercial vehicle workshop - approved 14 September 1986

H01-1576-89: (Advertisement) Various signs - approved 17 May 1990

H01-0120-17: (Outline Application) Residential Development (5 plots) - approved 30 June 2017

H01-0368-20: (Section 73) Residential Development - approved under H01-0120-17. Removal of Condition 4 relating to maximum number of dwellings and maximum floorspace - approved 30 June 2020

H01-0359-20: (Reserved Matters) Erection of 5 dwellings - outline approval H01-0120-17 - approved 01 July 2020

H01-0640-22: (Full Application) Proposed replacement offices & storage buildings including demolition of existing buildings - Part retrospective - approved 15 November 2022

H01-1053-23: (Section 73) Proposed replacement offices & storage buildings including demolition of existing buildings - Part retrospective - approved under H01-0640-22. Modification of Condition 2 to allow amendments to previously approved plans - approved 07 March 2023

H01-0549-25: (Full Application) Proposed Replacement of Light Industrial & Office Building - approved 26 August 2025

To the south-west of the site:

H01-0639-22: (Full Application) Residential Development - 6 Dwellings - approved 14 November 2022

H01-1118-23: (Discharge of Conditions) Details of ecological biodiversity measures, contamination of land or pollution of controlled waters and ecological survey (Conditions 3, 5 and 9 of H01-0639-22) - refused 12 February 2024

H01-0138-24: (Discharge of Conditions) Details of ecological biodiversity measures and ecological survey (Conditions 3 and 9 of H01-0639-22) - approved 05 April 2024

Consultation

SHDC Ecology Officer: Having reviewed the biodiversity enhancement plan provided we are confident that biodiversity net gain will be achieved for this site. Therefore we support the discharge of condition 9 for application H01-1053-23.

Anglian Water: Foul Water Comments: We have not been asked to make comment on foul proposals Surface Water Comments: Drawing SW21-216-120 B shows that surface water will discharge via an attenuation basin and to a dyke, which is outside of Anglian Water's jurisdiction for comment.

Designing Out Crime Advisor: No objections.

Lincolnshire County Council - Highways and SUDS: As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. The original application H01-0640-22 was 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.

Environmental Protection: I am happy to accept the proposed lighting scheme.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s. This rate is in excess of greenfield rate and I recommend that the applicant takes measures to reduce the rate to as near greenfield as possible. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and I recommend that the applicant look into the possibility of reducing the proposed discharge rate prior to applying for consent. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for 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. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991: I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Key Planning Considerations

Condition 4 reads as follows:

"Details of any external lighting proposed shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the approved buildings. There shall be no external illumination installed on or in the vicinity of the buildings other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the

interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019."

The submitted document 'Conditions 4 & 5 Lighting & CCTV' shows that flood lights are proposed above each roller shutter door of the approved buildings within the site. The lights are proposed to be timer activated and to point downwards, to reduce light spill upwards or towards neighbouring properties. The lights are proposed on the eastern elevation of Unit A and the western elevation of Unit B. these elevations face into the site rather than onto neighbouring properties. The local planning authority's (LPA) environmental protection team have not raised any concerns or objections to the proposed lighting scheme. As such, condition 4 can be discharged.

Condition 5 reads as follows:

"Details of any external CCTV cameras proposed shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the buildings. There shall be no further CCTV cameras installed on or in the vicinity of the buildings other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, and to prevent visual intrusion to any land or buildings outside the ownership of the applicant.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019."

The submitted document 'Conditions 4 & 5 Lighting & CCTV' shows 5 CCTV cameras on Unit A and 3 CCTV cameras on Unit B at various locations on the buildings. It is considered that a sufficient number of cameras are proposed to help monitor the site in future and as such, Condition 5 can be discharged.

Condition 9 reads as follows:

"Within six weeks of the date of the approved decision notice, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2023."

Condition 9 also should have been submitted by 18 April 2023. Notwithstanding this, the submitted document 'Condition 9 Biodiversity Net Gain' shows that 6 swift boxes, 6 bat boxes and 2 Barn Owl boxes are proposed on the elevations of Units A and B. The LPA's ecology officer has set out that the submitted information is acceptable. As such, condition 9 can be discharged.

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

The details address the requirements of conditions 4, 5 and 9 of permission H01-1053-23.

Recommendation

Discharge conditions 4, 5 and 9.