DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0236-25**	**Applicant:**	**Mr S Few**
Proposal:	Details of completed purchase of 0.76 Habitat Units from Heacham Habitat Bank (Condition 4 of H02-0925-24)		
Location:	Land Off Phoenix Lane Crowland Peterborough		
Terminal Date:	29th April 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 4 permission H02-0925-24.

Permission H02-0925-24 granted consent for industrial units on 18 February 2025 on land off Phoenix Lane, Crowland.

Site Description

The site comprises land at Phoenix Lane, Crowland. There are existing buildings to the east and west of the site. There is agricultural land to the south and north of the site.

The site is outside the settlement boundary of Crowland, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map. The settlement boundary is approximately 315m to the east of the site. There are however significant areas of Crowland which are not within the settlement boundary, however, these areas feature extensive residential, commercial and industrial development. The site is also identified within a 'Proposed Main Employment Area' as identified by Policy 7 of the Local Plan and the accompanying policies map.

Relevant Planning History

H02-0440-09: (Full Application) Erection of seven industrial units and associated works - approved 10 August 2009

H02-0493-19: (Full Application) Construction of two further phases of industrial buildings for sub-division into small units - approved 05 September 2019

H02-0925-24: (Full Application) Proposed industrial units (use class B2) - approved 18 February 2025

Consultation Responses

Crowland Parish Council: CPC defer to the expertise of the Planning Department.

North Level District Internal Drainage Board: No comments.

Ecology Officer: No response received.

Key Planning Considerations

Condition 4 reads as follows:

"The development hereby approved shall not commence until details of the completed purchase of 0.76 Habitat Units from Heacham Habitat Bank have been submitted to and agreed in writing by the Local Planning Authority.

Note: The details provided shall include proof of purchase, a copy of the contract between the applicant and the Habitat Unit provider, as well as specific habitat references which correspond with the purchased units.

Reason: In the interest of ensuring that the development hereby approved meets the statutory 10% Biodiversity NET Gain.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, December 2024."

The current application is accompanied by A Biodiversity Gain Plan Form. This includes the biodiversity gain site registered reference number. A Biodiversity Unit Purchase Certificate has also been submitted, confirming that the applicant has purchased 0.77 habitat units from the Environment Bank Ltd.

During the determination of application H02-0925-24, the council's ecology officer set out that the submitted metric assessment was accurate and that the applicant would need to secure the equivalent of 0.76 area-habitat biodiversity units. The applicant has submitted evidence that 0.77 habitat units have been purchased.

Although a consultation response has not been received from the council's ecology officer, it is considered that the requirements of the condition have therefore been addressed.

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 condition 4 permission H02-0925-24.

Recommendation

Discharge condition 4.