SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 10 September 2025

(Author: Mark Niland - Planning Officer)

Purpose: To consider Planning Application H02-0568-24

Application Number:	H02-0568-24	**Date Received:**	26 June 2024
Application Type:	FULL		
Description:	Erection of 3 dwellings with garages - re-submission of H02-0899-22		
Location:	Land at Blackbird Close Crowland		
Applicant:	Mr M Blackbird	**Agent:**	Sharman Architecture
Ward:	Crowland and Deeping	**Ward Councillors:**	Cllr B Alcock Cllr J R Astill Cllr A Harrison

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0568-24

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application was deferred for design changes by the Planning Committee on Wednesday 02nd April.

Some of the key points raised included:

- The development frontage was not typical of the established properties on Peterborough Road, but had followed a newly cramped design;

- The location of the green area promoted an appearance that the development was cramped;

- Concern was expressed regarding the future intended use of the green space at the end of, and outside of, the current application site. The utilisation of the green space within the current application would render it less cramped;

- The function and flow of the site needed greater consideration regarding parking and general usage:

- The parking layout and shared vehicular access direct from Peterborough Road to Plots 1 and 2;

- The existence of a telegraph pole at the access point;

- The likelihood that Plot 3, as a five-bedroom property, would need the use of more than the two allocated parking bays;

- The position of the garage for Plot 3 did not maximise the full potential of parking availability; and

- The household waste collection point for Plot 3 appeared to be on the footpath;

- The differential in the land level caused a potential flood risk to existing properties.

2.0 PROPOSAL

2.1 The proposal seeks full planning permission for the erection of 3 no dwellings with associated garages.

2.2 The proposal comprises two dwellings located to the front and retain an active frontage. These dwellings are proposed to share a drive from Peterborough Road. The third dwelling is accessed from Blackbird Close.

2.3 All three detached dwellings are two storey, with plot 3 having a detached garage and plots 1 and 2 having integrated garages. Materials are not proposed at this stage and it is suggested to be controlled through planning conditions.

2.4 The surface water drainage strategy proposed is soakaway and foul disposal is directed to a main sewer. Each property has two number off street parking spaces.

2.5 The application is subject to amended plans, following a planning committee deferral. The amendments, which are responsive to member discussions include:

-Extension to the red line boundary to allow for some of the 'green space to be utilised'.
-Gardens to plots 1 & 2 increased in depth
-Re-siting of Plot 3
-Redesign of Plot 3.

2.6 This has resulted in the receipt of an amended site location plan and block plan, Plot 3 ground floor plan, first floor plan and elevations.

3.0 SITE DESCRIPTION

3.1 The application site is located within the settlement limits of Crowland. It is bound by Peterborough Road to the west and Blackbird Close to the south. A private drive runs along the northern boundary with Kennulphs Close. To the east are two detached dwellings, with James Road beyond.

3.2 The application site is located in Flood Zone 2 in accordance with the EA Mapping for Planning and in an area categorized as 'low hazard' within the South East Lincolnshire SFRA.

3.3 The site at present is vacant and can be fairly described as an infill site.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.3 South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 28 - The Natural Environment

Policy 30 - Pollution
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

4.4 National Guidance

4.5 National Planning Policy Framework (NPPF), December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
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

4.6 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 - H02-0899-22 - Erection of 3 bungalows & garages. Appeal Dismissed.

- H02-1082-15 - Residential development 41 dwellings with associated parking and garages. Approved 21-08-17.

- H02-0774-18 - Erection of detached dwelling and private drive access. Approved 12-10-18.

6.0 REPRESENTATIONS

6.1 Parish Council

No objections.

6.2 North Level IDB

Please note that North Level District Internal Drainage Board have no objections to the above planning application.

6.3 Environment Agency

No comments.

6.4 Historic Environment Officer

I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work.

6.5 Highways & SuDs Support

No Objections - The application is for the erection of 3 dwellings with garages - re-submission of H02-0899-22. The previous submission was accessed entirely from Blackbird Close whereas this has two dwellings served from Peterborough Road from a new shared access. The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions and it will be constructed to Lincolnshire County Council Specification. Visibility onto Peterborough Road has been demonstrated satisfactorily and is in accordance with Manual for Streets. The parking demonstrated is adequate for the size of dwellings. The proposal will not have an adverse impact on the public highway. 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. 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.

Highways have confirmed that the amended design does not change their comments.

6.6 Environmental Protection

Standard Land contamination conditions.

6.7 Ecology

No objections. The applicant has provided BNG in line with the Ecologists, following recommendation, *I estimate that if the applicant planted approximately 20 new trees off-site within the blue line(rather than 7), they would be able to achieve the 10% gain on-site. If the latter, then we should look at securing these over the 30 year period via a S106 planning obligation.*

6.8 **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, objections have been received against the application, these relate to the previous iteration of the scheme.

6.9 The material points are summarised as:

-Overbearing and overlooking impacts.
-Concerns regarding soakaways.
-Highway safety.
-Contamination.
-Character (especially scale of properties).

The most recent designs have also be subject to a scheme of publicity. It has received a letter of objection from the same objector. For completeness the objection states:

I have now had chance to look through the recent amendments for the above application and wish the following observations/comments to be recorded :

'extra garage space added to all dwellings' - plots 1 & 2 now have three parking spaces each and I assume will be retaining the integral garage spaces as per the original drawings. This results in there being potential for 8 vehicles to use this new access from Peterborough Road; given the number of existing driveways (including Blackbird Close) and Cul de sac entrances I feel that this proposal is excessive and potentially hazardous. As far as I can see (ref drawing MB/05/F) plot 3 still only has a double garage and two parking spaces. In the event of all said 4 spaces being occupied where is it proposed for visitors to park ? I assume from this drawing that plot 3 will take it's access from Peterborough Road via the existing Blackbird Close driveway? So no opportunity for any additional parking along said driveway which pushes more parked cars onto the Peterborough Road. I have queried this point in the past and would assume that no's 9 & 11 will also need access over this driveway as their current route of access is across the application site. The existing driveway is currently used ONLY by no 10 Blackbird Close. Furthermore drawing MB/05/F indicates landscape planting along the southern boundary of Blackbird Close. Given that this driveway abuts the boundary wall/fence with the property on its southern side, I cannot see how any such landscaping can be achieved without narrowing the driveway itself.

'plot 3 redesigned and moved to the east' - this now puts plot 3 entirely to the front of my property. Have any right to light drawings been commissioned ? Again I still stand by my previous comments of a two storey dwelling constructed at the higher FFL will by imposing, overbearing and overlooking considering it is proposed to be sited nearer than plot 2 of H02-0899-22; an application for bungalows which was dismissed on appeal for such said reasons.

'MB/18/D' appears as BC/18/D in drawing form and 'MN/19/D' appears as BC/19/D in drawing form. Incidentally there are two versions of BC/19/D one with a roof light above the landing area and one with a traditional window.

'BNG trees added to the main site' - these trees are now positioned to the south and south east of my boundary wall along my rear garden boundary. The proposed species have a maximum

height of 10 meters (crategeous monogyna/hawthorn paul's scarlet) and 15 meters (sorbus auparia/rowan). Incidentally there is currently a steel fence located within this area of proposed dense planting. There is also an indication to plant a native tree close to my front house wall (again on the southern boundary). My concern here is two fold - 1) if the trees are allowed to reach full height the impact on light into both the garden and property at both the front and the rear and 2) my insurers have issues with trees being located so close to my property particularly between the front of my property and plot 3; I can provide you with details if so required. In addition to this I must reiterate the location of the gas main in proximity to the proposed planting at the rear of plot 1.

Plot 3 and it's garden (identified on the drawings as land to be owned by plot 3) includes the site of the workshop area for the former engineering works which previously existed on site. Emails and correspondence between planning officers and planning agents as far back as 2019 indicate that any future development of this frontage plot (i.e. the site in question) should be subject to a full land contamination report. Can you please confirm to me that this will be the case?

In previous communication I remain concerned with regard to the height at which these properties need to be constructed and the potential flood risk to myself with regard to the run off of water.

7.0 CONSIDERATIONS

7.1 Planning Considerations

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/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity.

7.2 Evaluation

7.3 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.

7.4 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.

7.5 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.

7.6 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Development 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.

7.7 The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

7.8 Principle of Development and Sustainability

7.9 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.

7.10 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.

7.11 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.

7.12 Crowland is described within the local plan as a 'Main Service Centre' and within such areas, Policy 1b of the South East Lincolnshire Local Plan (2019) states:

Within the settlement boundaries of the 'Main Service Centres' (as shown on the Inset Maps) 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.

7.13 The application site is located wholly within the settlement boundary for Crowland and the proposal is therefore considered acceptable in planning principle, in accordance with Policy 1 of the South East Lincolnshire Local Plan (2019).

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

7.15 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.

7.16 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.

7.17 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.

7.18 These policies accord with the provisions of the National Planning Policy Framework (December 2024) and requires 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.

7.19 The proposal is for three detached dwellings, all of two storey scale. Plots 1 and 2 would offer an active frontage along Peterborough Road and this would be in-keeping with the wider street scene. Plot 3 comprises back land; however, there are a number of similar examples of this type of development in the area. Some dwellings are located to the rear of frontage properties on Kennulphs Close. There are also large back land dwellings located to the east of the application site, as well as opposite the application site on Peterborough Road.

7.20 The application has been subject to a planning committee deferral. Subsequently the applicant has amended the scheme, which includes changes to plot 3 and a greater amount of rear amenity for plots 1 & 2 and improved parking to the front.

7.21 The application site currently represents a 'negative space' in architectural terms. It allows vistas from Peterborough Road towards the back land developments in the area. It is considered that the reinforcement of the frontage would represent a move toward good urban form, reinforcing the rhythm of frontage dwellings that present to the main road. The site is infill and brownfield and this type of development, in this location, is succinct with the aims of the local plan and national policy.

7.22 The area is subject to a broad housing mix, and therefore this allows developers flexibility in design terms. The scale and siting of the proposed dwellings are considered acceptable, and broadly commensurate with those around. The applicant has not put forward a schedule of materials and these will be conditioned, to ensure their acceptability.

7.23 On this basis, 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).

7.24 Impact on Residential Amenity/Land Users

7.25 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.

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

7.27 Policy 30 of the South East Lincolnshire Local Plan (2019) deals with pollution, one of which is noise and is also relevant to this case.

7.28 The proposal for plots 1 and 2 are set back within the plots offering a softer frontage. They are set back slightly from the frontages of numbers 4 and 8 Peterborough Road, and given they do not propose any side openings (other than one serving bathrooms that will be fully obscured) and retain a sufficient separation distance, the proposed dwellings are acceptable in regards to overshadowing, overbearing and overlooking impacts.

7.29 Plot 3 is located at the rear of the frontage plots; this dwelling is separated by a detached garage, which eliminates the potential for overlooking from plot 2, and whilst plot 1 does retain views into the rear amenity space of plot 3, the separation distance, which has now increased as well as a condition on boundaries, would allow this relationship to be acceptable.

7.30 Plot 3 is positioned so that the rear faces towards the space between numbers 4a/4b and the rear of 4 Peterborough Road/ Kennulphs Close. The rear elevation has a single opening serving a hallway. Given this looks down a private drive (and views of dwellings on Kennulphs Close are obscured), this is considered acceptable. A condition removing the ability to install any further opening on the rear elevation of this dwelling at first floor will be attached.

7.31 An objection has been received by a resident stating that the dwelling will give rise to overbearing/shadowing impacts. Whilst plot 3 is to the south of existing dwellings, it is not directly behind; furthermore, this arrangement is made more acceptable by the fact that this is a rear to side relationship. It is considered that due to the orientation and separation distances from the properties on Kennulphs Close, as well as the removal of permitted development for the insertion of new openings at first floor (of the rear elevation), the proposal would be acceptable as regards its impact upon both neighbouring and future residents and that the level of impact in relation to neighbouring amenity is not at such a level that would warrant refusal.

7.32 All other dwellings are considered to be at an acceptable separation distance from the development as to not be impacted upon to an unacceptable extent. The updated site plan does not contain information on levels, and these will be secured through a planning condition.

7.33 Lastly comments have also been received as regards overshadowing from the proposed BNG gain. This is discussed further within the Ecology section. Ultimately the applicant has demonstrated that a 10% gain can be achieved, but the attachment of condition will allow the LPA to seek a more suitable solution that considers the impact upon neighbouring amenity.

7.34 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).

7.35 Highway Safety and Parking

7.36 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".

7.37 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted, subject to sustainable development considerations being 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.

7.38 Furthermore, 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.

7.39 Lincolnshire County Council, as Local Highway Authority, have been consulted as part of this application and have no objections to the proposed development, considering the access and visibility safe in highways terms. Despite a telecom pole existing close to the proposed access, Highways have not suggested that this would hamper visibility.

7.40 As detailed, Highways have no objections to the proposed access arrangement nor to the level of parking proposed. Plots 1 and 2 both have three number spaces, with the addition of a garage. Plot 3 has two number spaces (also a garage) and is shown to be a 3-bedroom dwelling. Furthermore, the proposed parking provision also meets with the requirements set out under Annexe 6 of the South East Lincolnshire Local Plan (2019). Highway comments are confirmed to also apply to this updated scheme.

7.41 In addition, Highways have recommended a list of informatives which will be attached to any permission.

7.42 Given the changes to the plans and the distance for the occupants of plot 3 to take their waste, a condition will be applied (to that plot) that details of refuse collection shall be submitted to and agreed in writing prior to the first occupation.

7.43 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 of the South East Lincolnshire Local Plan, and Section 9 of the National Planning Policy Framework (December 2024).

7.44 Flooding Considerations

7.45 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".

7.46 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".

7.47 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).

7.48 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.

7.49 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)".

7.50 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.

7.51 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.

7.52 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. Furthermore the proposed finished floor levels are proposed to be set at 2.6m AOD this appears to be above the necessary requirements when looking at the existing site levels plan and so in the interests of amenity the levels will be controlled by condition for further consideration.

7.53 The application site is located within flood zone 2 in accordance with EA Flood Maps for

Planning. It is however located predominantly within a 'white cell' area and partly a 'low hazard' area on the 'Residual Flood Hazard' Map for Crowland (present day). Given that the majority of the district is in flood zone 3 and that the application site is low hazard, it is unlikely any more preferable sites would be found. Being located in Crowland it is also in a location that supports this type of development.

7.54 In terms of the drainage strategy, given the amended plans, both foul and surface water drainage will be conditioned so it can be first agreed in writing with the local planning authority. Furthermore, the site levels are not shown on the updated block plan and will therefore be conditioned.

7.55 Overall, when considering the development on balance, it is considered that the proposal would accord with Policy 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

7.56 Biodiversity

7.57 Policy 28 of the South East Lincolnshire Local Plan (2019) is concerned in part with BNG and 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.

7.58 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.

7.59 "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".

7.60 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.

7.61 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.

7.62 Having reviewed the submission, where 20 medium trees are proposed within the blue line boundary, the ecologist confirms that this is sufficient to achieve the 10% net gain. However, the location of this gain, gives rise to other planning considerations (in this instance amenity implications). On this basis, the capture of the BNG needs to remain flexible.

7.63 Whilst the LPA acknowledge that a mandatory gain can be achieved, the intention, given the other planning implications that the location and type of BNG uplift gives rise to, is to apply the Biodiversity net gain condition and HMMP Plan. This gives the LPA the ability to review alternative solutions to achieving the necessary BNG, whilst at the same time protecting neighbouring amenity. It also does not discount the purchase of off-site credits if BNG cannot be provided across the site.

7.64 On this basis the proposal would accord with Policy 28 of the South East Lincolnshire Local Plan (2019) and is considered acceptable.

7.65 Other matters

7.66 Lincolnshire County Council Historic Places Team have requested that conditions relating to archaeology are applied to any permission that may be granted. Given the lack of information regarding this topic this request is considered reasonable, and the condition will be attached to any permission.

7.67 **Planning Balance**

7.68 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.

7.69 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.

7.70 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.

7.71 **Additional Considerations**

Public Sector Equality Duty

7.72 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.

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

7.74 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.

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

7.76 Human Rights

7.77 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).

7.78 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.

8.0 RECOMMENDATIONS

8.1 It is recommended that permission is granted, subject to the attachment of planning conditions.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

   - MB/03/C - Existing Location & Site Plan
   - MB/05/F - Proposed Site Plan
   - BC/18/D - Plot 3 Ground Floor Plan
   - BC/19/D - Plot 3 First Floor Plan
   - BC/20/E - Plot 3 Elevations
   - MB/10/B - Ground Floor Plan - Plot 1
   - MB/11/B - First Floor Plan - Plot 1
   - MB/12/B - Elevations - Plot 1
   - MB/13/B - Ground Floor Plan - Plot 2
   - MB/14/B - First Floor Plan - Plot 2
   - MB/15/B - Elevations - Plot 2

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the commencement of the development hereby permitted beyond oversite, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

   Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
   This Condition is imposed 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.

4. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and the proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

   Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

   Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

5. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

6. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved scheme. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Section 16 of the National Planning Policy Framework, December 2024. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

7. The applicant shall notify the Lincolnshire County Council Historic Environment Department, in writing, of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 6 above, in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Section 16 of the National Planning Policy Framework, December 2024.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

8. A copy of the final report required in connection with Condition 6 above shall be submitted to the Local Planning Authority and the Lincolnshire Historic Environment Record, within three months of the work being carried out.

The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with Section 16 of the National Planning Policy Framework, December 2024.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

9. The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

10. Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.

B) Descriptions of the management operations necessary to achieving aims and objectives.

C) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

D) Details of monitoring needed to measure the effectiveness of management.

E) Details of the persons responsible for the implementation and monitoring.

F) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To meet the requirements of mandatory biodiversity net gain and to ensure net gain in biodiversity is provided on site.
This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

11. Prior to the occupation of the dwelling shown as Plot 3 on drawing number MB/03/C , full details of the arrangement for refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

12. Prior to the commencement of any development hereby permitted, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

13. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order), no window, dormer window, rooflight or other shall be inserted into the rear of the property shown as Plot 3 on drawing number MB/03/C, other than those illustrated on the plans and forming part of the application hereby authorised by this permission.

Reason: To prevent overlooking and to safeguard amenity of nearby occupiers, in the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

14. **Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of 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 planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP before development is begun). This is over and above the information submitted and considered as part of this application, and will be required before development is begun, because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

For clarity, the Local Planning Authority do not consider that any of the exemptions apply in this case. As such, the development hereby permitted will be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

15. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

For application guidance, approval and specification details, please visit:
https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb
or contact vehiclecrossings@lincolnshire.gov.uk

16. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

17. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit:
Traffic Management - https://www.lincolnshire.gov.uk/traffic-management
Licences and Permits - https://www.lincolnshire.gov.uk/licences-permits

18. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

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Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A