DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0950-26**	**Applicant:**	**Mr M Blackbird**
Proposal:	Details of biodiversity gain plan, existing and proposed site levels, proposed floor levels, hard surfaced areas and garden/amenity areas (Conditions 6 and 9 of H02-0545-26)		
Location:	Land At Blackbird Close Crowland Peterborough		
Terminal Date:	27th November 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework August 2026

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge conditions 6 and 9 of H02-0545-26 relating to biodiversity gain plan, and existing and proposed site levels.

Site Description

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.

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

Relevant History

H02-0733-26 - Details of written scheme of archaeological investigation (WSI), written 30-year Habitat Management and Maintenance Plan (HMMP), contamination of land, pollution of controlled waters, foul and surface water disposal, scheme of landscaping and tree planting and schedule of external materials (Conditions 3, 7, 8, 10, 11 and 12 of H02-0545-26). Approved 25-09-26

H02-0545-26 - Erection of 3 dwellings together with a double garage to Plot 3 - approved under H02-0128-26. Modification of Condition 2 to allow amendments to previously approved plans. Approved 29-07-26

H02-0128-26 - Erection of 3 dwellings together with double garage to Plot 3. Approved 28-04-26

H02-1008-25 - Erection of 3 Dwellings with a Double Garage to Plot 3. Refused 30-12-25

H02-0568-24 - Erection of 3 dwellings with garages - re-submission of H02- 0899-22. Approved

H02-0899-22 - Erection of 3 bungalows & garages. Refused 22-09-23. Appeal dismissed 17-05-24

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

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

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:

Crowland Parish Council

CPC are relying on the expertise of the officer and that care is taken with the agreement with heights that the neighbour's privacy is not adversely affected

Biodiversity Net Gain Ecologist

Initial comments, dated 22/10/26

Has an updated BNG metric been provided that corresponds with the submitted Biodiversity Gain Plan? The gain plan does not currently correspond with the metric we have on file, so we are unable to support the discharge of the condition at this stage. Once the corresponding/finalised metric has been provided, we will be able to provide further comments.

Further comments, following receipt of additional information, dated 05/11/26

Thank you for sending this updated metric through. It matches up now and having reviewed the documents provided to support condition 6 of this application, we are confident that a 10.52% biodiversity net gain will be achieved for this site. We therefore support the discharge of this condition.

North Level Internal Drainage Board

Please note that North Level District Internal Drainage Board have no further comments to make regarding the above planning application.

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, no letters of representation have been received.

Key Planning Considerations

Condition 6

Wording

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.

Assessment

The details provided are considered acceptable. The gain plan is appropriate for the scale and nature of the development. By extension, the statutory biodiversity net gain condition imposed under Schedule 7A of the Town and Country Planning Act, 1990, is also discharged.

Condition 9

Wording

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.

Assessment

The submitted details show finished floor levels 2.2m AOD for Plots 1 and 3, and 2.4m AOD for Plot 3. The levels proposed would be above expected flood depths, as shown on the Strategic Flood Risk Assessment. The aims of the condition, to ensure the safety of the dwellings for their lifetime, would therefore be met.

The submitted cross sections show that there would be a quite significant difference between the levels of the neighbouring plots and those proposed. However, the levels proposed are the lowest acceptable level whilst still ensuring the safety of the occupants for the lifetime of the dwelling. Therefore, on balance, the differential is considered to be acceptable.

In any event, appropriate mitigation has been put in place to limit the impacts of development. Boundary treatments are appropriately tall to preserve residential amenity, without causing undue harm to the character and appearance of the area. Within plot 3, engineering bricks would be placed to ensure that there would not be significant levels of soil forcing onto the fencing.

For the above reasons, whilst the rise in site levels is greater than what would typically be desirable, the flood risk on the site warrant this rise. Appropriate mitigation of the impacts has been put in place.

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 submitted details achieve the aims of the conditions and are considered acceptable. Conditions 6 and 9, in addition to the standard BNG condition, can be discharged.

Recommendation

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