

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0661-25 **Applicant:** G Geerlings & Son

Proposal: Details of foul and surface water disposal and ecological survey
(Conditions 5 and 6 of H05-1098-24)

Location: Two Hoots New Fen Drove Gedney Hill

Terminal Date: 1st October 2025

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
30 Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 5 and 6 of permission H05-1098-24.

Permission H05-1098-24 granted consent for the conversion of an agricultural building into a dwelling. Consent was also granted for an extension.

Site Description

The building is part of Gables Nursery, located off New Fen Drove in Gedney Hill. The barn is brick built with a corrugated roof. The immediate area is characterised by mainly open countryside with a small number of dwellings scattered along the road and a number of commercial buildings towards the north-east.

Relevant Planning History

H05-0410-22: (Outline Application) Erection of House & Garage - refused 15 June 2022

H05-0698-24: (Prior Approval) Conversion of an existing agricultural barn building to form a new dwelling house - refused 14 October 2024

H05-1098-24: (Prior Approval) Conversion of agricultural building into dwelling including extension - approved 12 February 2025

H05-0409-25: (Discharge of Conditions) Details of external materials and hard surfaced areas (Condition 3 of H05-1098-24) - approved 06 June 2025

Consultation Responses

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. The applicant has indicated that they wish to discharge treated foul water to a soakaway via a package treatment plant (Klargester BioDisc). As recommended above the Board advises that this strategy is supported by an infiltration testing. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Lincolnshire County Council - Highways and SUDS: No objections. The details of foul and surface water disposal and ecological survey (Conditions 5 and 6 of H05-1098-24) are acceptable in accordance with approved drawing submitted with this application.

Lincolnshire Wildlife Trust: No response received.

Lincolnshire Bat Group: No response received.

Key Planning Considerations

Condition 5 reads as follows:

"Before any development beyond oversite is commenced, 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."

The application is accompanied by a Drainage Plan which shows a soakaway crate with a 300 litre capacity and a Klargester BioDisc (a sewage treatment plant). A Percolation Test Report has been submitted during the determination of the application to demonstrate that the proposed soakaway is feasible. As such, the proposed surface water strategy is acceptable. Furthermore, the proposed

means of foul water drainage is acceptable as the treatment plant should be able to accommodate the amount of waste from the development.

Condition 6 reads as follows:

"Prior to the commencement of any works hereby permitted, an ecological survey shall be carried out to determine the presence, or otherwise, of protected species such as Barn Owls or bats upon the site and the results of such a survey shall be submitted to and approved in writing by the Local Planning Authority.

If protected species are present a working design, method and timetable to mitigate any harm to the species involved shall be submitted to and approved in writing before any works of demolition are commenced and thereafter be carried out in accordance with the approved details prior to occupation.

Reason: In the interest of nature conservation.

This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, December 2024."

The application is accompanied by a Preliminary Ecological Appraisal (PEA), prepared by KJ Ecology Ltd. The PEA found no signs of protected species on site, and as such it is not considered necessary for any specific mitigation measures to be provided.

There is potential for nesting birds in the adjacent hedges and trees. The PEA sets out that the development will not affect any nesting birds, however, if any pipework goes near the hedge in the bird nesting season (March to August), a nesting bird survey will be required. This is because all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). If a nesting bird is found, then no works will proceed until the chicks have fledged and the ecologist has confirmed that works can progress.

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 information addresses the requirements of conditions 5 and 6 of permission H05-1098-24.

Recommendation

Discharge conditions 5 and 6.