SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager (Interim)**

To: **Planning Committee - 05 February 2025**

(Author: **Catherine Sutton - Planning Officer)**

Purpose: **To consider Planning Application H06-0516-24**

Application Number:	H06-0516-24	**Date Received:**	10 June 2024
Application Type:	FULL		
Description:	Residential Development - Erection of 2 Dwellings		
Location:	Rear of The Rising Sun Pit Lane Gedney Drove End		
Applicant:	Mr D Salamone	**Agent:**	Andrew M Wright Ltd
Ward:	Gedney	**Ward Councillors:**	Cllr J L Reynolds

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H06-0516-24

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application was presented to Chairman's Panel following a prior request for the application to appear before committee, by Ward Councillor J Reynolds and the Parish Council. The outcome of Chairman's Panel was for the application to be referred to Planning Committee.

2.0 PROPOSAL

2.1 This is a full planning application seeking approval for the development of two residential dwellings, located to the rear of The Rising Sun in Gedney Drove End. The proposed dwellings would be of a two storey, semi-detached design.

2.2 The proposed dwellings would comprise a two-storey design, consisting of a car port, cycle store, utility and a covered patio to the ground floor. The first floor includes three bedrooms, a main bathroom, a living room and a kitchen/dining area.

2.3 The proposed development indicates that the proposed materials of construction are red facing brickwork with orange concrete interlocking pantiles. The windows proposed are to be Cream UPVC.

3.0 SITE DESCRIPTION

3.1 The site is a grassed area, located to the rear of The Rising Sun Public House, that is currently fenced off.

The Willows is located to the south-east, off a private roadway, and The Old Police House is located to the south west. Sheds and garden land is situated on the opposite side of Pit Lane.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

4.2 South East Lincolnshire Local Plan, March 2019

4.3 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) to 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.

4.4 01 - Spatial Strategy
02 - Development Management
03 - Design of New Development
04 - Approach to Flood Risk
10 - Meeting Assessed Housing Requirements
11 - Distribution of New Housing
17 - Providing a Mix of Housing
28 - The Natural Environment
29 - The Historic Environment
30 - Pollution
31- Climate Change and Renewable and Low Carbon Energy
36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

4.5 **National Guidance**

4.6 National Planning Policy Framework (NPPF), December 2024

4.7 Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 11: Making effective use of land
Section 12: Achieving well-designed and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H06-1034-20 - Full - Residential development - Erection of 2 Dwellings - Approved 12.02.2021

5.2 H06-1035-20 - Full - Single Storey Extension, Rising Sun PH - Approved 11.02.2021

5.3 H06-0109-13 - Full - Renovation of public house (retrospective) - Approved 10.04.2013

6.0 REPRESENTATIONS

6.1 **Consultation Responses**

6.2 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:

6.3 Gedney Parish Council

6.4 Gedney Parish Council strongly object to this planning application.

6.5 Grounds for objection:

6.6 A major concern to the council is drainage and flooding. Council agrees with the Environment Agency regarding the use of a non-mains foul drainage system and inadequate assessment of the risks of pollution to ground and surface waters. Along with the previous use of the proposed development site as a historic landfill presenting a risk of contamination that could be mobilised by surface water infiltration from the proposed soakaway.

6.7 There are no actual records on the proposed plans of any drainage from the Public House, the proposed system would already be at capacity with this proposal and unable to accommodate any addition such as the Public House.

6.8 What measures are being put in place for the breakdown of the proposed system? When this reaches capacity, it will backlog with nowhere to go other than spill out onto the road.

6.9 Pit Lane is regularly flooded within the proposed building area (photographic evidence sent to the Planning Officer dealing with this application), neighbouring properties regularly flood.

6.10 Due to the upside-down layout of the development, there will be a major privacy impact on neighbours and those in Marsh Road.

6.11 The road access to properties in Pit Lane is minimal, access to emergency vehicles, access to large farm machinery and delivery vehicles will be hampered by visiting vehicles. There is no pavement on this single-track road for pedestrians.

6.12 Council considers this application to be overdevelopment of the site.

6.13 In the application it states the properties being of similar design to others within the village, whilst this is partly true it omits to say they are detached properties on large plots with adequate parking, fronting onto a main road and not in the vicinity of frequent flooding.

6.14 Council has two requests, one that the Planning Officer visits the site and secondly that this application goes to Committee.

6.15 Ward Member- Cllr J Reynolds

6.16 There is only a very narrow lane from the road leading to the plot and emergency vehicles would struggle to attend. The application says that the roadway will be altered however there is no way the roadway can be widened without taking land from the plot.

6.17 The properties will not be in keeping with the area they will overlook nearby residents, will the windows overlooking be of frosted glass?

6.18 A lot of residents in the village are against this application this area is one of the most attractive areas of the village and it will become an eyesore with properties built on it.

6.19 Properties in this area have been known to flood including the public house, building these properties will take away a small flood plane.

6.20 In the previous planning application there was a mention of proceeds of the sale of the properties to be used to enhance the public house however there is no mention of this in this application.

6.21 It may be that this application should go before the Planning Committee.

6.22 South Holland Drainage Board

6.23 Byelaw 3 (Surface Water)
I am pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within infiltration test results and graph (ref: 17021 dated 19/03/2021) and the Drainage Location Plan (17021/SA01). If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

6.24 Byelaw 3 (Treated Foul Water)
I note that the applicant intends to treat foul water using a package treatment plant, with the treated foul water discharging to a soakaway. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

6.25 Section 23, Land Drainage Act 1991
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).

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

6.27 Senior Ecologist

6.28 I've had a look at the BNG assessment and metric file, and these appear credible and sound, and therefore the applicants will have to purchase 0.09 units from an off-site habitat bank (registered on the national gain-site register) and provide evidence of this transaction pre-commencement. We will also require a Habitat Management and Monitoring Plan (HMMP) to be submitted and approved pre-commencement, which describes the habitat creation and ongoing maintenance of the "off-site" habitat located on the north end of the property. Details about what to include in the HMMP can be found here: Creating a habitat management and monitoring plan for BNG - GOV.UK (www.gov.uk) and the monitoring schedule recommended in the biodiversity assessment would be adequate.

6.29 This application blurs the line in regard to whether a legal agreement (s106) is required to secure the biodiversity gains and HMMP or whether this can be done via condition. Generally, small-scale/minor and relatively simple habitat creation should be secured via condition, however, bespoke "off-site" gains are generally secured via a S106. The BNG in this application is definitely minor and a condition would be suitable for securing it, however, their main source of created biodiversity units is a small (0.005 ha = 50 sqm) patch of neutral grassland located outside of the redline, but within the blue line at the north end of the site, and thus, defined as "off-site". My take on the situation would be to still secure this piece of grassland and management via condition unless there are rules that state that conditions can't apply outside of the red-line boundary.

6.30 Historic Environment Officer

6.31 Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

6.32 SHDC Environmental Protection Officer

6.33 After reading the stage 1 Environmental Desktop study undertaken by Stuart Guy Consulting

and would agree with the findings that no further action in relation to land contaminated is required.

6.34 Highway and Lead Local Flood Authority Report

6.35 Recommendation: No objection

6.36 This application is a re-submission of the original planning application (ref. H06-1034-20) which was granted planning permission on 12th February 2021, where the Highway Authority had no objection. It should be noted that the design of the dwellings and accesses are unchanged. In responding to this application, as we did with the previous application, the Highway Authority have been mindful of the fact that this is an adopted residential road maintainable at the Public Expense, subject to 30mph speed limit, albeit narrow in places with no footways, that predominantly provides access to existing residential properties. The proposed development is for a total of two dwellings and the accesses to these properties are sighted in a suitable location so that drivers intending to enter the highway, may have sufficient visibility of approaching traffic to judge if it is safe to make the manoeuvre. The reversing manoeuvres on to Pitt Lane at these locations would not result in an unacceptable impact upon highway safety. The proposed accesses will be subject to a S184 for them to be constructed to the Highway Authorities specification and standards. There are sufficient locations for vehicles to wait and pass without causing an obstruction and due to the short narrowing of Pit Lane in places, vehicles speeds are relatively low. Each dwelling will have 2 parking spaces and 1 cycle parking space in accordance with the South East Lincolnshire Local Policy Appendix 6: Parking Standards. Should there be a demand for more parking, the adjoining highways are restricted, and drivers would have to park further afield.

6.37 Environment Agency - Initial Comments dated 06 September 2024

6.38 Environment Agency position:

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system but an inadequate assessment of the risks of pollution to ground and surface waters has been provided by the applicant.

6.39 The previous use of the proposed development site as a historic landfill presents a moderate, but unquantified risk of contamination that could be mobilised by surface water infiltration from the proposed soakaway. We recommend that planning permission should be refused on this basis.

6.40 Reasons
The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances the planning practice guidance (PPG) (ref ID 34-020-20140306) advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment.

6.41 We do not believe that the use of infiltration drainage is appropriate in this location. The submitted application fails to show that disposal of foul effluent to ground from the proposed package treatment plant would be effective. Only one trial hole was tested, which is not representative of the proposed total soakaway area, and only one percolation test was conducted. Results indicate a very high rate of percolation, outside of those set by British Standard 6297:2007 A1:2008.

6.42 This is surprising considering the mapped geology and outcome of the Environmental Desk Study, which concluded no environmental risk on the basis of the impermeable ground conditions. In addition, no information on the level of the water table has been provided, and there is an identified risk of waterlogging/flooding in the area, which would render any infiltration drainage to be ineffective, and a potential human health risk.

6.43 The application also fails to recognise the risk to controlled waters through potential mobilisation of contaminants already in the ground. This was not considered a viable pollutant linkage in the Environmental Desk Study, again based on the assumption of impermeable ground conditions,

and many assumptions on the status of the historic landfill. Therefore no characterisation of the ground has been undertaken, specifically in the location of the proposed soakaway crates.

6.44 The application does not therefore meet the requirements of 'The Environment Agency's approach to groundwater protection' guidance, in particular the following position statements:

6.45 - G1. Direct inputs into groundwater - no information has been provided demonstrating an understanding of water levels throughout the year.
- G10. Developments posing an inacceptable risk of pollution - there is the potential to mobilise contaminants already in the ground, if the ground is permeable; no characterisation of contamination has been undertaken.
- G12 - Discharge of clean roof water to ground - again, the discharge must not mobilise contaminants already in the ground, which is an unknown factor, and the proposal is not to discharge on clean rainfall to ground.

6.46 Additionally a permit will be required for the proposed foul drainage scheme, as it cannot comply with General Binding Rules (GBRs) (General binding rules: small sewage discharge to the ground - GOV.UK (www.gov.uk)), in particular:

6.47 - Rule 4. do not cause pollution of surface water or groundwater; no ground characterisation has been undertaken, so there is no information on whether there is a risk of mobilising contaminants.
- Rule 5. use the correct treatment system; no drainage field has been proposed in the design, which provides an additional treatment stage, so it is not compliant with BS 6297:2007 A1:2008. In addition, no information has been provided on groundwater levels.
- Rule 9. make sure your system meets the right British Standards; see rule 5.

6.48 The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: https://www.gov.uk/environmental-permit-check-if-you-need one.

6.49 Environment Agency - Correspondence dated 25 October 2024

6.50 We consider that there is a lack of certainty whether the currently proposed method of foul drainage will be acceptable. As currently proposed the foul drainage would pose environmental and operational risks. As outlined in our letter, we require evidence which demonstrates that the disposal of foul water to ground would not pose an environmental risk. We advise that other options for foul drainage are explored, such as discharging to surface water and potentially exploring what other sites in the area have in place.

6.51 If no drainage details are permitted as part of this permission, a foul drainage scheme could be secured by condition and later discharged. However, the issues outlined in our objection would need addressing, should the currently proposed method of foul water disposal not change. It might therefore be preferable to achieve an acceptable scheme for foul drainage prior to the granting of planning permission.

6.52 **Public Representation**

6.53 This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 36 letters of representation have been received.

6.54 These can be summarised as follows:

6.55 -Concern regarding the effects on parking down Pit Lane.
-Overbearing.
-Concerns on overlooking.
-Concerns regarding loss of privacy.
-Concerns regarding loss of light.

-The drainage system is not correct.
-Potential overflow of foul waste into the road.
-The development will devalue my property.
-Pit Lane is too narrow to accommodate.
-The pub has become unviable now there is no beer garden.
-The dwellings would be out of character.
-Overdevelopment.
-Concerns with highway safety.
-There are no footpaths.
-This road is not suitable for HGVs.
-This road is a high flood risk area.
-This village is over populated.
-These properties will block views.
-No mention of the profits of the sale of the houses going to the pub.
-The area will not benefit from this development.
-This application goes against all but one of the objections.
-There are similar properties in the village but not on this road.
-Concerns regarding the emergency service vehicles accessing the road.
-The Pub cesspit is on the proposed site.
-The land will be contaminated with foul water.
-How will the cesspits be emptied with houses on them.
-The proposed soakaways will cause problems.
-The brick will not be in keeping with the surrounding area.
-There is no disabled access to builds.
-Noise and pollution concerns.
-There are underground petrol tanks near the land.
-The plot is too small.
-We don't want cars and vans blocking our windows.
-There is no public transport in the area.
-No need for housing has been demonstrated.
- Emergency vehicles would have difficulty accessing the site.
-The development will add two nice houses to the area.

7.0 CONSIDERATIONS

7.1 Evaluation

7.2 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.

7.3 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.

7.4 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.

7.5 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local 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.

7.6 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.

7.7 Principle of Development and Sustainability

7.8 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.

7.9 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.

7.10 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.

7.11 The application site in this instance is within Gedney Drove End, a settlement identified as a 'Other Service Centre'.

7.12 Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Other Service Centres', 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. This policy goes on to detail that development within 'Other Service Centres' will normally be limited to committed sites and infill.

7.13 As stated, the application site in this instance is within Gedney Drove End, an 'Other Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location, when viewed broadly, is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

7.14 As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

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

7.16 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.

7.17 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.

7.18 Development proposals should also ensure that developments 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, among other considerations.

7.19 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.

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

7.21 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

7.22 The proposed layout comprises an arrangement that would accommodate the land previously utilised as a beer garden, associated with the existing public house (The Rising Sun) to the east. The scale of the proposal is for a pair of two-storey semi-detached dwellings (total quantum of houses being two dwellings), with parking integrated into the ground floor.

7.23 Whilst the site is located to the rear of The Rising Sun, the proposed dwellings have been designed as to comprise a frontage onto Pit Lane. The surrounding built form, such as the public house and the residential development adjacent are sited as to front onto Marsh Road; albeit, the existing lawful caravan at 'Penwardine, Pit Lane' comprises an access towards Pit Lane, with the caravan running along this highway. This arrangement therefore differs to the immediately adjacent built form; however, is designed as to comprise an active frontage towards the highway. Existing built form along Pit Lane, located beyond this immediate vicinity, comprising frontage dwellings onto Pit Lane. As such, the design fronting the highway, with a degree of separation to the road, is considered appropriate.

7.24 The proposed development also seeks to provide rear garden spaces with parking to the side of each dwelling, a patio area and rear lawn. Whilst modest in size, it is considered to be appropriate and adequate to serve the proposed dwellings.

7.25 In terms of the materials finish, the proposed dwellings would be constructed with red facing bricks, orange interlocking concrete roof tiles and Cream UPVC windows, when taking account of the submitted application form and proposed plans. These details are considered satisfactory when viewed broadly; however, it is suggested that an external materials condition is included, to ensure the Local Planning Authority is able to consider the full complement of materials for the dwellings to ensure their acceptability.

7.26 Overall, the siting of the development, coupled with the scale, design and external appearance, is considered to be acceptable and whilst comprising an addition to the streetscene that would be readily visible, is not considered to comprise an oppressive or dominant addition to the streetscene or context.

7.27 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).

7.28 Impact on Residential Amenity/Land Users

7.29 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.

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

7.31 The Willows is located to the rear of the application site, located to the south-east, and is accessed via a private roadway that runs along the western side, and to the rear, of the application site. The Old Police House is located to the south-west, designed to comprise a area of greenery and lawn between the built form, highway and aforementioned access roadway, with its principal elevation facing onto Pit Lane. These properties have such locations that ensure they retain an adequate separation distance from the proposed development.

7.32 A mobile home and garden land is situated adjacent the application site, on the opposite side of Pit Lane. The rear of the public house, The Rising Sun, is located to the north-east.

7.33 The main living accommodation proposed, given the consideration required to potential flood risk, would be located on the first floor, to address flood risk concerns; this would include each of the three bedrooms, a bathroom, a living room and a kitchen/dining area. The kitchen and a bedroom window (bedroom 2) would be sited on the front elevation for each plot and would predominantly overlook the mobile home and garden, on the adjacent side of Pit Lane beyond the highway.

7.34 A living room and bedroom (bedroom 1) window for each plot would be situated on the rear elevation at first floor level, with the former (living room window) being set back from the rearmost projection. Bedroom 3 would be served via a rooflight to the front roofslope, providing no direct outlook towards neighbouring properties. The general relationship of the development is such that overlooking of neighbouring properties would either be at an acceptable distance or oblique. As such, it is not considered that the proposed development would give rise to an unacceptable impact upon the residential amenities of neighbouring occupiers.

7.35 Furthermore, the site currently comprises a grassed area associated with the public house and could potentially be used as a beer garden, as appears to have historically occurred based on representation received within this application process. Taking this and the aforementioned into consideration, it is viewed that the amenity of neighbouring residents would not be harmed to a significantly greater degree in terms of noise/disturbance, with the resultant development of two dwellings being acceptable in this regard.

7.36 Although there may be some noise and disruption at the construction stage, as would typically occur during development, this could be addressed by means of a construction management condition and would be for a limited, and temporary period.

7.37 Whilst it is noted that the proposed development introduces new built form to the site, which is evident given that the proposal seeks to develop two dwellings within an area that is currently grassed, the development is of such a design and scale when viewed alongside the adequate separation distances also proposed, as to ensure that no unacceptable impact would be caused in respect of overshadowing or an overbearing effect.

7.38 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).

7.39 Highway Safety and Parking

7.40 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".

7.41 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are 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.

7.42 Further, 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.

7.43 The proposed parking is integrated within the ground floor, with parking for two vehicles within a car port arrangement. LCC Highways have been consulted and have raised no objections, stating the Highway Authority have been mindful of the fact that this is an adopted residential road maintainable at the Public Expense, subject to 30mph speed limit; albeit narrow in places with no footways, that predominantly provides access to existing residential properties.

7.44 The proposed development is for a total of two dwellings and the access to these properties are sited in a suitable location, so that drivers intending to enter the highway, may have sufficient visibility of approaching traffic to judge if it is safe to make the manoeuvre. The reversing manoeuvres on to Pit Lane at these locations would not result in an unacceptable impact upon highway safety.

7.45 The proposed accesses will be subject to a S184 for them to be constructed to the Highway Authorities specification and standards. There are sufficient locations for vehicles to wait and pass without causing an obstruction and due to the short narrowing of Pit Lane in places, vehicles speeds are relatively low.

7.46 Each dwelling will have 2 parking spaces and 1 cycle parking space, in accordance with the South East Lincolnshire Local Plan (2019) Appendix 6: Parking Standards. Should there be a demand for more parking, the adjoining highways are restricted, and drivers would have to park further afield.

7.47 Overall, based on the comments raised by the Local Highway Authority, which have addressed the nature of the highway surrounding the area, the access and the parking, coupled with the proposal comprising adequate vehicle parking and cycle storage in accordance with Policy 36 and appendix 6 of the South East Lincolnshire Local Plan (2019), it is considered that the proposal is acceptable in this regard.

7.48 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 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

7.49 Flooding Considerations

7.50 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".

7.51 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".

7.52 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).

7.53 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.

7.54 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)".

7.55 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.

7.56 The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

7.57 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.

7.58 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.

7.59 The application site is identified as "Danger for All" on the Strategic Flood Risk Assessment Mapping. With the Strategic Flood Risk Assessment Hazard Mapping showing that flood depths of greater than 2m impact on the application site when considering the 2116 0.5% breach scenario. As such, the site is considered to be at risk in terms of flooding and, in some instances given the above, would not be viewed favourably in this regard.

7.60 As stated above, 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, as outlined within Policy 4. In this instance, the application has been supported by a site specific Flood Risk Assessment. This assessment detailed, amongst others, the following conclusions:

- "The proposed development is in a defended floodplain. It is in the floodplain of the Wash, River Nene, and River Welland tidal defences and protected during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200) tidal event".
- "... The risk of flooding is lowered further due to the South Holland IDB high priority watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year)".
- "To mitigate the risk of a breach in the tidal defences it is recommended that there is no habitable accommodation on the ground floor, the first floor is at a minimum level of +5.8m OD and there is flood resilient construction to a level of +5.8m OD".

7.61 It must be noted that the site has been subject to previous planning approval, under reference

H06-1034-20, which comprised a full application for residential development comprising the 'Erection of 2 Dwellings'. This application largely reflects that hereby proposed and was subsequently approved in February 2021. Whilst this permission has since expired and as such, is no longer extant, the development was approved under the current Development Plan (South East Lincolnshire Local Plan, 2019) and therefore, whilst the National Planning Policy Framework has been amended since this approval (most recently in December 2024), this previous approval is a material consideration that should be given notable weight.

7.62 The development proposed is of a two-storey scale, with all living accommodation located on the first floor. This is a recommendation and requirement of the Flood Risk Assessment, which would be conditioned within any subsequently approval; requiring each dwelling to retain the living accommodation to the first floor only. On this basis, it is recommended that the dwellings must be a minimum of two-storey with no ground floor habitable accommodation.

7.63 Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

7.64 Surface Water

7.65 It is noted that this part of Pit Lane can be prone to flooding, which has been raised within representation received by interested parties. Site levels would remain fundamentally the same, given the need for living accommodation to be restricted to the first floor, meaning that ground floor levels would not require extensive lifting.

7.66 The surface water is proposed to be disposed of via soakaways and a sustainable drainage system. The Internal Drainage Board has confirmed they are pleased to see the initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within infiltration test results and graph (ref: 17021 dated 19/03/2021) and the Drainage Location Plan (17021/SA01).

7.67 Notwithstanding this, conditions have been attached that seek full details of the proposed surface water drainage scheme.

7.68 Foul Water & Contamination

7.69 During consultation within this application, the SHDC Environment Protection Officer confirmed, after taking account of the stage 1 Environmental Desktop study undertaken by Stuart Guy Consulting, that they would agree with the findings that no further action in relation to contaminated is required.

7.70 In respect of foul water drainage, the submitted application indicates that it had proposed that the intension was to treat foul water using a package treatment plant, with the treated foul water discharging to a soakaway.

7.71 The initial comments raised by the Environment Agency raised objections due to the use of a non-mains foul drainage system, with an inadequate assessment of the risks of pollution to ground and surface waters being provided by the applicant.

7.72 The previous use of the proposed development site as a historic landfill presents a moderate, but unquantified risk of contamination that could be mobilised by surface water infiltration from the proposed soakaway.

7.73 Following these comments conversations were had with the Environment Agency and the Agent. The Environment Agency then provided further comments:
"We consider that there is a lack of certainty whether the currently proposed method of foul drainage will be acceptable. As currently proposed the foul drainage would pose environmental and operational risks. As outlined in our letter, we require evidence which demonstrates that the disposal of foul water to ground would not pose an environmental risk. We advise that other

options for foul drainage are explored, such as discharging to surface water and potentially exploring what other sites in the area have in place. If no drainage details are permitted as part of this permission, a foul drainage scheme could be secured by condition and later discharged."

7.74 Further to this, further discussions were had where parties agreed, including the Environment Agency and Agent, that a surface water and foul water condition be added. As such, conditions that seek details of both drainage schemes are recommended. This shall, include a need for the drainage scheme to demonstrate, to the satisfaction of the Environment Agency, that no unacceptable contamination would be caused by the means of drainage.

7.75 Conditions are recommended in respect of drainage details, to ensure suitable provision in this regard.

7.76 Biodiversity Net Gain

7.77 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.

7.78 "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".

7.79 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.

7.80 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.

7.81 For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

7.82 When taking the above into account, the development in this instance is not exempt from the statutory 10% Biodiversity Net Gain requirements.

7.83 A Biodiversity Net Gain assessment and metric file was submitted. This detail stated that the applicant would have to purchase 0.09 units from an off-site habitat bank (registered on the national gain-site register).

7.84 The report details that to achieve a final result of 10% net gain, 0.14 area habitat units are required. This proposal results in a post-intervention deficit of 0.09 area habitat units, which will need to be purchased via an off-site provider or as statutory biodiversity credits.

7.85 Comments received by the LPAs Ecologist detailed that "the BNG assessment and metric file appear credible and sound, and therefore the applicants will have to purchase 0.09 units from an off-site habitat bank (registered on the national gain-site register) and provide evidence of

this transaction pre-commencement".

7.86 In addition, it was also detailed that "We will also require a Habitat Management and Monitoring Plan (HMMP) to be submitted and approved pre-commencement, which describes the habitat creation and ongoing maintenance of the "off-site" habitat located on the north end of the property.

7.87 Conditions have therefore been recommended in this regard, as required and mandatorily set, through the Biodiversity Gain condition.

7.88 **Planning Balance**

7.89 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.

7.90 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.

7.91 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.

7.92 **Additional Considerations**

7.93 Public Sector Equality Duty

7.94 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.

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

7.96 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.

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

7.98 Human Rights

7.99 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).

7.100 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

7.101 Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

8.0 RECOMMENDATIONS

8.1 **Based on the assessment detailed above, it is recommended that the proposal should be approved subject to those conditions listed at Section 9.0 of this report.**

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:

   Application Form
   PD201 Rev P1
   7638-1
   Soakaway Size Calculations
   17021/SA01
   17021/01
   Drainage Infiltration Graph
   Drainage Infiltration Test 1
   Flood Risk Assessment by Ellingham Consulting, dated May 2024
   Design and Access Statement by Andrew M Wright Ltd
   Preliminary Ecological Appraisal Version 2 (prepared by BiOME Consulting Limited, dated 25 July 2024)
   Stage One Environmental Desk Study by Stuart Guy Consulting dated 20th December 2020

   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.

   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. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (by Ellingham Consulting, dated May 2024) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority. In particular, the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels for the first floor living accommodation shall be set no lower than 5.8 metres above Ordnance Datum (AOD).

Note: The above approved plan does not constitute final approval of detailed site levels or finished floor levels.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

5. Before any development beyond oversite is commenced, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

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.

6. Prior the commencement of any development hereby permitted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme must include details that demonstrate that the scheme of foul water drainage poses no unacceptable environmental and operational risks, and shall first be agreed in consultation with the Environment Agency, in accordance with their consultation dated 06th September 2024 and 25 October 2024.

The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

7. Notwithstanding the details shown on drawing no. PD201 Rev P1, prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority.

The details so approved shall be implemented in full before any dwelling hereby permitted is first occupied or brought into use, and shall be retained thereafter.

Note: 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: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8. Notwithstanding the provisions of Schedule 2, Part 1, Class A and Class D 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 enlargement, improvement or other alteration to the dwellinghouse, and no construction of a porch, other than those illustrated on the plans and forming part of the application hereby authorised by this permission, shall be carried out without planning permission first having been granted by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over the future development, additions and alterations, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within 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.

9. Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 building, enclosure, swimming pool, other pool, or container used for domestic heating purposes, shall be constructed within the curtilage of the dwellinghouse, without Planning Permission first having been granted by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over the future development, additions and alterations, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within 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.

10. 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.

11. 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.

12. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

13. 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 subsequently determining to grant planning permission.

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

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. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access 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. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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

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Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A - Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:1250
CREATED DATE: 20/01/2025
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