

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0711-25 **Applicant:** Mr L Connolly
Proposal: Proposed new pond & associated landscaping
Location: Broadgate Nursery Broadgate Gedney
Terminal Date: 23rd 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
- 28 The Natural Environment
- 30 Pollution
- 36 Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	3
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CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed new pond & associated landscaping. The proposed pond is located to the south west of a group of buildings known as Broadgate Nursery. It is surrounded by a grass land perimeter with native hedge mix and 3 new native trees. Cross sectional plans have been provided showing that the base of the pond is 2m and the outer edges at 1m.

Aside from the engineering operations the applicant has confirmed that the use is not for commercial/business purposes.

Site Description

Broadgate nurseries are located approximately 2 km to the southwest of Long Sutton. There are a number of buildings on the site, close to the access is a brick built barn that benefits from an extant permission to convert into a dwelling, this was approved under H06-0286-23, this included the removal of a cold store and caravans.

The application site naturally is located within the open countryside and outside of any defined settlement boundary. The site is located within Flood Zone 3 of the Environment Agency's Flood Maps and the South East Lincolnshire SFRA indicates that the site is within an area designated as a low hazard area.

History

H06-0982-24 - Erection of agricultural shed on existing concrete hardstanding. Approved 24-02-25

H06-0944-24 - Change of use of agricultural land to gardens, driveways and vehicular parking for approved barn conversion under approved Class Q Prior Notification Application H06-0868-23. Approved 07-01-25

H06-0286-23- Full - Conversion of agricultural building into residential dwelling including the removal of cold store building and static caravans. Approved 23-05-23.

H06-0868-23-Prior Approval- Change of use of agricultural building into 2 dwellings with associated works. Approved 27-11-23

Consultation Responses

Parish Clerk

Council has no objection to this application

South Holland IDB

I note that the applicant intends to construct a new pond at the site. As mentioned above, there is a Board arterial watercourse located to the north of the site's boundary. At this stage, it is unclear how far the new pond will be constructed from the edge Board arterial watercourse. Please note that any works within 9 metres of this Board arterial watercourse would require the Board's consent under Byelaw 10. Therefore, the Board request additional information is submitted which provides detail on the proposed distance of the proposed pond and associated landscaping from the edge of the piped Board arterial watercourse.

Historic Environment Officer

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. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Highways & Suds Support

No objections - 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. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Crime Prevention Officer

Lincolnshire police do not have any objections to this application.

Ecologist

Comments Ecological Considerations

- The area of land proposed for development is a suitable breeding and foraging habitat for ground nesting birds. Therefore, we request the following wording be set out as a condition for development: "Vegetation should be cleared outside of the main bird nesting season (March to August inclusive) where possible. If works are justifiably required during the nesting season, then a nesting bird check/habitat inspection should be undertaken prior to work by an ecologist within 24 hours prior to clearance to ensure that there are no nests disturbed. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue."

BNG Comments

- Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 36.63% in Habitat units. However, I do wish to comment on the proposed habitat condition targets.

- If the applicant wishes to achieve the high target condition of "good" for the modified grassland and native hedgerow then we will require a habitat management and monitoring plan along with a BNG plan to be provided pre-commencement due to the difficulty of creating these habitats with a good target habitat condition. We would also request that condition assessments be provided pre-commencement to indicate how these target conditions will be achieved.

- Alternatively, the applicant could reduce the target habitat condition for grassland and hedgerow to "moderate" which would still enable the proposed development to achieve 10% net gain (0.4 hedgerow units created and 0.44 grassland units created providing a 25.78% net gain in habitat units), but minimize the risks associated with failing to achieve the stated targets. In this case, we would still encourage management to achieve "good" condition habitat. Conclusion: There has been sufficient evidence provided to determine this application and we are confident that this site will achieve 10% biodiversity net gain. Confirmation of any changes to the BNG metric can be arranged pre-commencement.

Environmental Protection

No comments regarding land contamination or environmental protection.

Evaluation

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.

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.

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.

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.

Planning Considerations

The application site is located within the open countryside and in flood zone 3 in accordance with Environment Agency Mapping Systems. The South East Lincolnshire SFRA considers the site to be 'low hazard' in the predicated modelling. The proposal is for the formulation of a new pond for non-commercial related purposes.

The key considerations for this application are:

- Principle of Development
- Flood Risk
- Highway Safety
- Ecology
- Landscape Character
- Amenity/Environmental Issues
- Planning Balance

Principle of Development

The application site is located outside of any defined settlement boundary and within the open countryside for policy purposes. SELLP Policy 1 which sets out the spatial strategy for the district confirms that in these areas the following:

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

As an expansion paragraph 3.2.15 (within the policy justification) expands on countryside uses, stating that "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan."

The proposal is for a private use pond, which the supporting statement confirms is for 'greater views & visual interest to the site, as the applicant is converting a nearby Barn under permission H06-0286- 23.' The pond then in effectively is for personal recreational purposes. Whilst it is located within the same ownership as planning permission H06-0286- 23, it has its own red line boundary and would form a planning unit in its own right. As such, the proposal is not an extension to the domestic arrangement (approved under H06-0286- 23) and would not form part of the residential curtilage. Moreover, the proposal is not for commercial use either, as confirmed by the supporting statement, but rather a private use.

Given that the proposal relates to outdoor recreation, in principle it would accord with the allowances for countryside development set out under SELLP Policy 1. The proposal is therefore considered acceptable in planning principle.

Flood Risk & Drainage

SELLP Policy 4 sets out the districts approach to flood risk, it states 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, where:

The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change

Annexe 3 'Flood Risk Vulnerability Classification' identifies 'Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms' as water compatible development. Therefore, the proposal, despite its location within Environment Agencies Flood Zone 3, is an acceptable form of development in this location.

IDB and proximity to the watercourse

The IDB have raised a holding note requesting further information as regards the proximity of the pond to an existing watercourse. Under their bye laws (bye law 10) any works within 9 metres of this Board arterial watercourse would require the Board's consent. However, having measured the plans it appears that the northern tip of the pond is circa 16m from the said watercourse. Due to this the LPA do not have an issue at this stage on this topic. The applicant should note however that any IDB byelaws may supersede or impede any planning permission granted.

On this basis the proposal is considered, subject to the aforementioned mitigation to adhere to the broader aims of SELLP 4.

Highway Safety

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. It 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 would be severe.

Highways have been consulted and have no concerns in relation to the proposal, which is for a private use and not commercial. Any permission would be considered as such, to define the terms of the permission as well as to protect the safety of existing and future users of the highway.

On this basis the proposal would accord with SELLP Policies 2, 3 and 36 as well as section 9 of the National Planning Policy Framework, December 2024.

Ecology & BNG

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has provided a Biodiversity metric calculation tool as well as a biodiversity net gain plan. The information shows the following:

"The baseline condition of the site provides + 1.20 habitat BUs of which 0.85 BUs will be retained. Post-development the proposed onsite habitats provide an additional 0.81 BUs, a total of 1.66 Habitat BUs which is a gain of 0.46 BUs and a +38.63% net change."

The ecologist has been consulted on the application and has made the following comments;

Protected Species

The applicant has provided a PEA for the site and as regards protected species the ecologist states, "The area of land proposed for development is a suitable breeding and foraging habitat for ground nesting birds. Therefore, we request the following wording be set out as a condition for development: "Vegetation should be cleared outside of the main bird nesting season (March to August inclusive) where possible. If works are justifiably required during the nesting season, then a nesting bird check/habitat inspection should be undertaken prior to work by an ecologist within 24 hours prior to clearance to ensure that there are no nests disturbed. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off or clearance work to continue"

Therefore, a condition will be attached to any permission that would preclude any development from occurring inside the bid nesting season. The development if approved will also be linked to the PEA and mitigation measures therein provided.

Biodiversity Net Gain

As regards BNG the ecologist states that *"Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 36.63% in Habitat units. However, I do wish to comment on the proposed habitat condition targets...If the applicant wishes to achieve the high target condition of "good" for the modified grassland and native hedgerow then we will require a habitat management and monitoring plan along with a BNG plan to be provided pre-commencement due to the difficulty of creating these habitats with a good 2 target habitat condition. We would also request that condition assessments be provided pre-commencement to indicate how these target conditions will be achieved...Alternatively, the applicant could reduce the target habitat condition for grassland and hedgerow to "moderate" which would still enable the proposed development to achieve 10% net gain (0.4 hedgerow units created and 0.44 grassland units created providing a 25.78% net gain in habitat units), but minimize the risks associated with failing to achieve the stated targets. In this case, we would still encourage management to achieve "good" condition habitat."*

Therefore, the applicant has demonstrated that BNG can be achieved, that would meet with the mandatory net gain requirements, in this case exceeding them. Any permission will be subject to the Biodiversity net gain plan and HMMP condition. This would allow for assessments to be provided and the expression of the target condition that is to be achieved.

On this basis the proposal is considered acceptable and would accord with SELLP Policy 28.

Landscape Character

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.

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.

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.

Policy 2 of the SELLP states 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.

Policy 2 point 1 states that proposals should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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".

The proposed pond is naturally of low scale, the impact therefore would be localised and no have a wider impact upon the landscape of the area. There are also trees in this location, and therefore the planting of a further 3, would not be unacceptable, they would also be viewed against the back drop of the built form that is clustered to the north of the site and associated with Broadgate Nursery.

A condition requiring the landscaping to be implemented in accordance with the submitted plans will be attached.

On this basis it is considered that the proposal would accord with SELLP Policies 2 and 3.

Amenity/Environmental Issues

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.

SELLP Policy 2 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.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important considerations when considering proposals for planning.

The application site is under the same ownership of the nearby Broadgate Nurseries and is for a private use, not commercial. The impact in relation to noise and disturbance are therefore acceptable. Any permission would be subject to a condition that would ensure a private (and not commercial) use of this pond. This is partly in the interests of amenity.

On this basis the proposal is considered acceptable, subject to the aforementioned mitigation, according with SELLP policies 2, 3 and 30.

Planning Balance

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.

The proposal is for a private use pond for recreational purposes, the proposal would be a planning unit in its own right, the proposal is acceptable and would accord with development types that are supported within an open countryside location under SELLP Policy 1.

The plans show that the closest point of the pond is beyond 9m from the watercourse, notwithstanding this the applicant should satisfy themselves that the development would meet with IDB bye laws that have the ability to prevent any development.

The proposal would not have an undue impact upon character and amenity and the application has demonstrated that the mandatory requirement for net gain will be met.

On this basis the proposal represents sustainable development and would accord with the policies of the local plan.

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

Taking the above considerations into account, the proposal is considered to accord with policies 1,2, 3, 4, 6, 28, 30 & 36 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024).