

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H06-0726-25                      **Applicant:** Mr P Watson  
**Proposal:** Demolition of existing dwelling and erection of 2 dwellings  
**Location:** Rozel Marsh Road Gedney Drove End  
**Terminal Date:** 28th February 2026

**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  
33                      Delivering a More Sustainable Transport Network  
36                      Vehicle and Cycle Parking  
APPENDIX 6                      Parking Standards

**National Guidance**

**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development  
Section 4 - Decision-making  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
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
RESIDENTS	6	0	0	0

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The proposal seeks full planning permission for the demolition of existing dwelling and erection of 2 dwellings. The dwellings would be of the same design but handed.

The proposed dwellings would be detached with 3 bedrooms. To take account of the potential for flood the ground floor accommodation would contain a garage, store and utility. A family room (kitchen dining and sitting room), lounge and a bedroom would be provided on the first floor. A balcony would lead off the family room on the first floor. There would be 2 further bedrooms with ensuites in the roof space on the second floor.

The dwellings would be some 9m in height.

To the front of the properties would be front gardens of a minimum of 7.8m metres in depth. They would sit about 28.8m from the single storey dwellings on the other side of Marsh Road.

A shared access would serve the properties leaving enough space for turning so vehicles could leave in a forward direction.

Each plot would have a side garden of about 7.5m wide and a rear garden about 6.5m in depth.

### **Site Description**

The site is within the settlement of Gedney Drove End, as outlined within the South East Lincolnshire Local Plan, 2019. Gedney Drove End is a small settlement mainly clustered around the junction of Main Road, Dawsmere Road and Marsh Road.

The site lies to the south-west of Marsh Road. The former dwelling was the last property on this side of the road before leading out of the village. The site marks the boundary of the defined settlement in the South East Lincolnshire Local Plan. There are a handful of two storey dwellings in the area, but most are bungalows, notably those alongside and directly opposite the site.

Currently the site contains a derelict bungalow and a container on the southern portion of the site. The remainder is rough, cleared land.

### **Planning History**

#### **Application Site:**

None on the application site itself.

#### **Nearby Sites:**

*Land Adj Sea Breeze (the Bungalow), Marsh Road*

H06-0848-23 - Proposed Dwelling - Approved 23/11/23

*Olive Tree Lodge, Marsh Road*

H06-0470-20 - Full- Erection of Dwelling - Approved 08/08/20

## **Consultation Responses**

The responses received from consultees during consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

*Initial Consultation Responses, received between 04/11/25 and 26/11/25*

### SELCP Ecologist

Demolition of existing dwelling and erection of 2 dwellings.

Documents reviewed:

- BNG Statutory Metric
- Preliminary Ecological Appraisal
- Biodiversity assessment
- Site and Location Plans

### Comments

Ecological Considerations:

- The applicant has provided thorough ecological documentation therefore in my judgement providing sufficient ecological data to determine this application.
- We support all mitigation and enhancement recommendations provided in the PEA and requested they be set as a condition at discharge.
- We are confident that there are no bats using the building to be demolished and therefore require no further survey work to be completed. We support all mitigation and enhancement methods provided in the preliminary bat assessment.
- We request that at least 1 integrated bird box and 1 integrated bat box/tile are incorporated into each dwelling post-development.

### BNG comments

- We believe this site will need to secure offsite BNG units pre-commencement however there seems to be some errors regarding the BNG metric provided that will need to be addressed pre-commencement as well. Please see below our comments regarding this below.
- This site appears to have undergone habitat degradation post January 2020. The legislation is relatively straight forward about what is termed "degradation" of the baseline biodiversity value of a site, and which states that if any activities occurring after Jan 30, 2020 (and are not related to an existing permission) effectively reduce the biodiversity value of a site, then the baseline biodiversity value should be taken to be that of the site prior to those activities taking place. Therefore, we believe that this site should have the baseline set at pre-degradation which it doesn't currently seem to be. See below our alterations to the metric to be inline with these guidelines based on satellite imagery from 07/2020 and google street view imagery from 09/2021.

·Baseline alterations:

oWe are happy with vegetated garden being the classification for much of the land connected to the site due to it being associated with the dwelling to be demolished.

oThere was a medium/large willow which appears to be in moderate condition to the North West of the site that needs to be included in the baseline.

oThere were dense hedges on the Western, Southern and Eastern Borders of the site which need to be included in the baseline hedges tab. We believe that the hedges to the West and South are ornamental/non-native hedges and the hedge to the east is ½ ornamental/non-native and ½ native hedgerow.

·Post-development alterations.

oIn general, we are happy with the post-development habitats proposed, however there seems to be an inconsistency between the BNG assessment and the metric where the metric states that garden space will wholly be vegetated garden but the assessment states that they propose ½ vegetated and ½ unvegetated garden. This needs to be clarified in either the metric alterations or

through altering the BNG assessment.

-Based on these alterations and assumption that the whole of the garden space will be vegetated garden post-development we believe this site will not achieve 10% biodiversity net gain and will need to secure 0.26 habitat area units and 0.17 hedgerow linear units. These will need to be secured pre-commencement and can be achieved via 2 routes:

1. Bespoke habitat creation/enhancement could be undertaken by the applicants on land they own elsewhere or in agreement with another landowner. To discharge the biodiversity gain condition the applicants would have to secure the appropriate habitat creation/enhancement by either entering a section 106 agreement with the local authority or through undertaking a conservation covenant with a responsible body pre-commencement.

2. The applicants could purchase the appropriate number of units from an off-site habitat bank and evidence this to the authority pre-commencement. This can be achieved through the applicants contacting an off-site unit provider, aka a habitat bank, (which has biodiversity units registered on the national gain-site registry) to arrange a contract for the applicant to purchase the necessary units from the habitat bank. The habitat bank then notifies the national gain-site register to allocate the specifically referenced units to the applicant. To discharge the general biodiversity gain condition, the applicant provides us with this reference information and evidence of the purchase (e.g. a receipt or copy of the contract with the habitat bank) along with the biodiversity gain plan that they must submit to us pre-commencement. These details are also recorded within a finalized version of the metric submitted with the gain plan. The authority can then independently confirm the unit transfer by checking the unit references against the national gain-site register and then approve the gain plan to discharge the Biodiversity Gain condition.

#### South Holland Internal Drainage Board

Outline that the parameters whereby Land Drainage Consent would be required.

#### Gedney Parish Council

Council object to this application on the following grounds:

- There is no height of the buildings shown on the elevation plans
- There is a good possibility of asbestos in the existing building for demolition due to its construction and age ( not mentioned in application)
- Over development of the site.
- Due to height and elevation of plot blocking of light to single story properties opposite.

#### Highway and Lead Local Flood Authority

Requests additional information: "Detail the width of the access on the site and location plans. The access should measure a minimum 4.1m wide. Show visibility splays on the plan in accordance with Manual for Streets. Provide a swept path to show egress in a forward gear for vehicles in the garage and on the drive."

#### Lincolnshire Wildlife Trust

Thank you for inviting comment from Lincolnshire Wildlife Trust on this application. Our conservation officers have reviewed the referenced development against a series of strategic conservation and ecological criteria. In review of the variation documents presented, The Trust has no substantive comments or recommendations on the proposal.

#### Historic Environment Officer

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. 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.

#### Environment Agency

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning conditions are included:

#### Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment dated July 2024, ref: 'ECL1308/G R MERCHANT LTD', prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

-The finished floor level of the first floor living accommodation shall be set no lower than the predicted flood level of 5.8 metres above Ordnance Datum

This mitigation measure shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development.

#### Reason 1

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

#### Condition 2

The ground floors of the properties hereby approved shall be used as garage, WC, utility, garden store only and as annotated on approved drawings '4275-24 01A' and '4275-24 02A', and for no other habitable accommodation.

#### Reason

In accordance with the details of the application and to ensure that there is no sleeping or vulnerable living accommodation on the ground floor, in order to protect the inhabitants of the property from the risk of flooding in accordance with the NPPF.

#### Condition 3

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to provide additional habitable/living accommodation shall be erected (other than those expressly authorised by this permission)

#### Reason

To reduce the risk and impact of flooding in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036."

#### Environmental Protection

"No comments regarding land contamination."

*Further comments, received following amendments. Received between 22/12/25 and 13/01/26*

#### South Holland Internal Drainage Board

"After reviewing the plans, the Board have no further comments to make on this planning consultation. The comments submitted on the 11th of November 2025 still apply."

#### Environment Agency

"We note the amended plans show a different layout on the ground floor, however as the uses have not changed we have no objection to this amendment. We have updated our recommended conditions to reflect the amended plans and repeated our informative comments for your ease."

Proceed to recommend the conditions previously listed above.

#### Environmental Protection

No comments regarding amendment 1.

#### Highway and Lead Local Flood Authority

"Additional information required: The information provided doesn't include the visibility splays. Please can you go back to the applicant and ask them to show visibility splays on the site and location plan in accordance with Manual for Streets, page 92 & 93".

#### Historic Environment Officer

"Thank you for consulting us on this application. We reiterate our previous comments. Also, no objection to Amendment 1".

Further comments, received following amendments. Received between 03/02/26 and 11/02/26

### Highway and Lead Local Flood Authority

"The proposed access is adequate to enable 2 cars to pass in opposing directions and the parking provision is satisfactory. The visibility is below the recommended guidelines set out in Manual for Streets, however, due to the location it is not considered that this proposal would result in an unacceptable impact on highway safety."

### Gedney Parish Council

Having read the highways report, Council request that should planning be approved that it is a condition for highways to install a "concealed entrance sign" due to its proximity to the bend in the road.

### **Public Representation**

This application has been advertised in accordance with the Development Procedure Order. Letters from 6 separate parties have been received.

Summary of Representations:

#### *Highway Safety and Access*

- New access positioned close to a blind bend on a 40mph road used by large agricultural vehicles and HGVs
- Visibility splays considered substandard and not compliant with Manual for Streets guidance
- Increased risk to highway users
- Existing access is safer
- On street parking from the development would create additional hazards

#### *Overdevelopment*

- Was one bungalow now 2 houses - overdevelopment
- Houses too big for the plot sizes and would appear cramped
- Insufficient space for safe access, parking, servicing and amenity
- Potential for higher occupancy and vehicle ownership than suggested

#### *Scale, Height and Character*

- Dwellings excessive in scale, height and massing
- Out of keeping with predominantly single storey bungalows in the area
- Elevated site level would worsen the visual impact
- Harmful to rural character and streetscene

#### *Residential Amenity*

- Loss of privacy, overlooking and overshadowing especially from upper floor windows.
- Daylight and shadow assessments insufficient
- Houses would be imposing

#### *Environmental Health and Contamination*

- Demolition of existing dwelling believed to involve asbestos
- Lack of clear demolition methodology and contamination management information
- Fears for public health and safety during demolition and construction

#### *Drainage, Flooding and Ground Conditions*

- Elevated, waterlogged nature of the site raises drainage concerns
- Issues highlighted regarding cesspits/septic systems, especially in case of failure
- Potential vibration and disturbance from piled foundations noted

## *Ecology and Landscaping*

- Removal of trees, hedges and vegetation prior to permission reported
- Loss of habitat for protected and notable species such as bats and owls
- Ecological impacts considered inadequately assessed or mitigated

## *Need for Development and Sustainability*

- Questioning of need for additional housing given limited local amenities and other available plots
- Proposal viewed as unsustainable due to increased car dependency and rural road pressure
- Like for like replacement dwelling suggested as more appropriate

## **Key Planning Considerations**

The main issues and considerations in this case are:

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity Net Gain
- Ecology/Biodiversity.

## **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.

## Principle of Development and Sustainability

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy 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.

The site is within the settlement of Gedney Drove End which is classed an 'Other Service Centre and Settlement' within Policy 1. As such, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to committed sites and infill.

The NPPF outlines, within Paragraph 61, that "to support the Government's objective of significantly

boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area (...) and are often built-out relatively quickly"). This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The proposal would see the replacement of an existing dwelling and the creation of a further plot, which would infill the remaining land. It is important to note that either plot could be considered infill, either infill in respect of the space between the proposed replacement dwelling and Wheel Bungalow, or infilling the space between the replacement dwelling and the settlement boundaries.

As the proposal would represent infill development, development within this location is considered appropriate. The proposal would support the settlement's role as an other service centre and make a positive contribution to local housing stocks.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 61 and 73 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

#### Layout, Design and Impact on the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF 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. 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.

The neighbouring properties to the north and those immediately opposite are bungalows. Consequently, the new dwellings, at 3 storeys, would be prominent and somewhat discordant in the street scene. This is amplified due to its location at the periphery of the village, increasing visibility and creating a sharper divide between peri-urban and rural settings.

However, within the wider area there are examples of comparatively tall buildings, which would help to naturalise the development to a certain extent. Walnut House is a large two storey property

situated approximately 43m north-east and within the immediate street scene of the development site. Approval has been given for a 9.748m high property two plots away (approximately 40m north-west), with this development having commenced at the time of the Officer site visit. Adjacent to that site is another 3 storey dwelling, 9.6m high.

Whilst also naturalising the proposed development and demonstrating a tolerance for taller buildings in the character of the area, these new dwellings are indicative of an evolving character in the area. Paragraph 59 of the National Design Guide states: "New character may also arise from a response to how today's lifestyles could evolve in the future, or to the proposed method of development and construction". These proposed taller houses, built at this height as an adaptation to flood hazard, are emblematic of the provisions of Paragraph 59.

The front gardens, at 7-8m in depth are quite generous, although commensurate with those around, meaning the properties will be set back from the road. This set back distance would, albeit marginally, reduce the perceived scale of the buildings, lessening their impacts.

The design of the dwellings themselves, irrespective of their scale, are fairly typical. Standard gable ended houses are prevalent in the area and, whilst the scale of these dwellings would be greater than their counterparts, these fundamental design principles are present here. This typicality would help to integrate the development.

Details of materials have not been provided at this time. This could be addressed via condition.

A 1.8m high close boarded fence is proposed along the eastern boundary and between the two dwellings. Along the western and southern boundary, a 1.2m high post and rail fence is proposed. These elements are considered appropriate and are typical of the area.

A limited scheme of landscaping and tree planting has been proposed, with each plot being a mirror of the other. This would involve a cherry tree to the front, a birch tree to the rear and a short section of native hedgerow to the rear. Given the constraints of the site, this is considered appropriate.

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 SELLP and Section 12 of the NPPF.

#### Impact on Residential Amenity/Land Users

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Sunlight plans from 21 June and 21 March have been provided indicating that there would not be significant overshadowing. There may be some loss of light to the garden of Wheel Bungalow (to the north east) in the morning at certain times of the year but this would not be substantial enough as to cause significant harm to residential amenity.

Given the distance and positioning of windows in neighbouring properties it is not considered that there would be any undue loss of privacy. Windows would primarily face the public realm or the agricultural land to the rear. Adequate distance has been maintained from the proposed balconies to adjacent dwellings to prevent an overly harmful impact.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

#### Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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".

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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

The proposal would provide sufficient parking in accordance with the adopted standards for the parking of cars and there is plenty of space internally for cycle storage.

The Highway Authority have raised no objection to the proposal on highway safety grounds. Whilst it is acknowledged that the submitted visibility splays are below the guidance of the Manual for Streets, the Highway Authority have outlined that this would be acceptable given the volume of traffic and its speed. The proposal would therefore not meet the threshold for resistance outlined in Paragraph 116 of the NPPF.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

#### Flood Risk Considerations

Section 14 of the NPPF 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".

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".

Paragraph 173 of the NPPF 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 NPPF.

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.

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)".

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.

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.

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 SELLP 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.

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.

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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for all, with a hazard depth of over 2m.

Whilst the site is within the highest flood risk classification of the SFRA, all of Gedney Drove End is in the danger for all hazard area, with consistent depths throughout the settlement. Consequently, there would be no sites with a lower risk within Gedney Drove End and the development is considered to pass the Sequential Test.

In any event, turning to the provisions of the exceptions test as outlined in Paragraph 178 of the NPPF, "to pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

Assessing the proposal against these criteria, the FRA recommends that to mitigate the risk of a breach in the tidal defences there be no habitable accommodation on the ground floor, the first floor living accommodation is above the flood level, and there is flood resilient construction to a level of +5.8m OD. On this basis, the proposal would be safe for its lifetime.

The benefits of the proposal are not overly substantial; however, the provision of an additional dwelling would be considered to be an outweighing benefit, particularly given that the site could be safe for its lifetime.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

### Foul and Surface Water Drainage

Policy 4 of the SELLP, in part, also concerns site drainage. Policies 2, 3 and 4 of the SELLP broadly outline that developments should be provided with adequate drainage provisions, which would ensure the proper drainage of the site without impacting upon other sites.

It is proposed that surface water would be disposed of via soakaways. Whilst this is acceptable in principle, the exact details of the system, or the viability of these soakaways, have been provided. This could be addressed via condition.

Concerning foul water specifically, Part g of Policy 4 states that all proposals should "demonstrate(s) that adequate foul water treatment and disposal already exists or can be provided in time to serve the development".

It is proposed that foul water would be disposed of via septic tanks, although no exact details of these tanks' capacities or functionality have provided. This can be addressed via condition.

## Biodiversity Net Gain

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.

"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".

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.

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.

For applications that are submitted prior to the introduction of this requirement, the development would 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.

It is proposed that the relevant gains would be secured via the purchase of offsite credits. Given the constraints of the site, this is considered appropriate.

It should be noted that baseline data which was used to calculate the metric was taken from a 2024 survey. This is despite there having been degradation of the land since 2020, thereby necessitating an earlier baseline assessment. Therefore, whilst it is felt that the development could, in principle, hit the 10% net gain requirement, a revised metric would need to be submitted alongside a biodiversity gain plan.

## Biodiversity & Ecology

Beyond this, Section 15 of the NPPF seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the NPPF details that Local Planning Authorities should apply the following principles:

- "a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The proposal includes mitigation and enhancement in the preliminary ecological appraisal. These include measures to allow the safe movement of hedgehogs during the construction process. It is considered that the recommendations of the PEA should be applied via condition.

Whilst it has been concluded that there are no bats using the building it is recommended that at least 1 integrated bird box and 1 integrated bat box/tile are incorporated into each dwelling post-development. This is considered appropriate.

## **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 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.

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.

## **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 be in accordance with policies 1, 2, 3, 4, 28, 33 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). There 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.

### **Recommendation**

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