

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-1059-25 **Applicant:** Mr & Mrs L Gonzalez

Proposal: Erection of 1 dwelling - Approved under H07-0324-24. Modification of Condition 1 to allow amendments to previously approved plans

Location: Plot Adjacent Corner Lodge West Drove South Gedney Hill

Terminal Date: 25th December 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
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 17 Providing a Mix of Housing
- 28 The Natural Environment
- 30 Pollution
- 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 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
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

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks consent to modify condition 1 of reserved matters approval H07-0324-24 to make changes to the approved plans. The reserved matters approval includes 1 detached bungalow within the site, and an outbuilding towards the rear of the site.

The reserved matters approval was made following the grant of outline permission for 2 bungalows within the site on 09 November 2021. Therefore, although outline consent was granted for 2 bungalows, reserved matters approval was only obtained for 1 of the dwellings and it is no longer possible to obtain reserved matters approval for the second dwelling as condition 1 of outline permission required the reserved matters application to be submitted within 3 years of the date of approval (in this case by 09 November 2024). This date has passed, and a second reserved matters application has not been received.

It should be noted that the application seeks to vary a condition on a reserved matters approval; however, reserved matters approvals are not a grant of planning permission. A Section 73 application seeks permission to modify or remove a condition imposed on a planning permission. Therefore, it is not possible to grant a new approval of reserved matters under a section 73 application. If permission is granted in this case, a new full planning permission would need to be issued. As such, it would be necessary to carry over planning conditions from the outline approval and from the reserved matters approval as necessary.

Site Description

The site is located on the western side of West Drove South and is currently associated with Corner Lodge (chalet bungalow). It is partially occupied by an outbuilding. Corner Lodge is located to the north-east and a chalet bungalow to the south-west (New Lodge, No. 4 West Drove South). Residential development is situated opposite.

The site is within the settlement boundary of Gedney Hill, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps.

Planning History

H07-0391-18: (Outline Application) Residential development - erection of 2 bungalows - approved 27 June 2018

H07-0971-21: (Outline Application) Residential Development - 2 Bungalows - approved 09 November 2021

H07-0324-24: (Reserved Matters) Erection of 1 dwelling - Outline Approval H07-0971-21 - approved 03 June 2024

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The

responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS: No objections. Modification of Condition 1 to allow amendments to previously approved plans. The minor amendments proposed will still allow vehicles to enter and leave in a forward gear and therefore, not have an adverse impact upon the public highway or surface water flood risk.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration (soakaways), however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

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).

Byelaw 10: The nearest Board maintained watercourse, E15 Fleet Drain (DRN196P1503), lies to west of the site, outside the development boundary. Therefore, Byelaw 10 does not apply.

Environmental Protection: No comments regarding the amendment.

Gedney Hill Parish Council: No response received.

Cllr L J Eldridge: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

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 adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside

adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Proposed Modification of Condition 1;
- Impact on Other Conditions; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Proposed Modification of Condition 1

Paragraph 135 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.

Policy 2 of the Local Plan 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.

Policy 3 accords with the provisions of Section 12 of the NPPF, 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.

The proposed changes to the approved plans include alterations to the approved design. As such, it is necessary to consider if the proposed changes are suitable in terms of the above referenced policies. The changes to the approved plans are summarised below:

-Location Plan: The red line boundary under the current proposal remains unchanged from the reserved matters approval H07-0324-24. The red line boundary from the outline approval H07-0971-21 was slightly larger as land to the north was included. The land to the north was originally included as it was proposed to include a second bungalow to the north. The proposed red line boundary as currently shown is considered to be suitable as this area includes the land necessary for the proposals.

-Site Plan: Various changes are proposed to the site plan; however, there are still many similarities. For example, the dwelling would feature a similar building footprint and would continue to measure the same width and length as previously approved. The dwelling is proposed to be set back from the road frontage by 3m more than previously proposed. It is not considered that this would have a major impact on the overall design and layout of the site. A key change is the proposed detached single storey garage near the site frontage. Previously an outbuilding was proposed to the rear of the dwelling; however, this is no longer proposed. Whilst the proposed siting of a garage in front of the dwelling is not ideal in terms of the visual impact within the street scene, it is recognised that there is a garage in front of the dwelling to the south, and an outbuilding located near the road frontage on land to the north of the site. As such, there are similar sized outbuildings near the road frontage and the proposed siting of the garage would not be out of keeping with the character of the street scene. It is proposed to plant a hedgerow along the site frontage which would continue an existing hedgerow that adjoins the site from the north. The proposed hedgerow would, therefore, blend into the street scene and provide a degree of screening of the garage. The garage is also of a relatively small scale, measuring 5.8m in length by 3.5m in width, featuring a gable end roof form that measures 4m up to the ridgeline. As such, the visual impact of the proposed garage is acceptable given its proposed scale, siting and the context of the existing street scene.

-Site Plan (Landscaping and Boundary Treatment Changes): The proposed site plan now includes further details of the proposed landscaping and boundary treatments. There is 2m close boarded timber fencing along the southern, western and northern boundaries and this fencing is proposed to be retained. A hedgerow is proposed along the site frontage and some planting is proposed in the rear gardens including 2 trees. The proposed landscaping and boundary treatments are considered to be acceptable and as such, it is not considered necessary to include conditions requiring further details relating to these matters if approval is granted.

-Site Plan (Drainage): A treatment tank is proposed in the rear garden to manage foul drainage from the site. A soakaway is proposed in the front driveway of the site to manage surface water from the site. These drainage measures are considered to be suitable as the soakaway is considered to be suitably sized to accommodate surface water runoff from the site.

-Floor Plans: The floor plans have been updated to reflect various internal changes. Planning permission is not required for internal changes; however, it is noted that 4 bedrooms are proposed rather than 3 bedrooms. The internal layout changes are considered to be acceptable.

-Elevation Plans: Various alterations are proposed to the elevations; however, the dwelling remains broadly similar to the previously approved design. The dwelling would be slightly taller than previously proposed. For example, the dwelling was previously proposed to measure 7.1m in height up to the ridgeline of the main part of the dwelling, and 6.1m up to the ridgeline of the front projection. Under the current proposals, the dwelling is proposed to measure 7.3m in height for the main part of the dwelling and 5.8m for the front projection. The height difference is considered to be minor and acceptable. The appearance of the dwelling is also proposed to be altered. For example, the window and door placements have altered and a dormer window are proposed to be added to the front elevation. Furthermore, the external materials are proposed to be altered to include Hoskins Flemish Antique bricks and cream composite cladding for the dormer window walls. Plain dark grey concrete roof tiles are still proposed. Overall, the appearance of the dwelling would be similar and it is considered that the changes are acceptable.

As such, the proposed modification of condition 1 is acceptable.

Impact on Other Conditions

It is also necessary to consider whether conditions from the outline permission H07-0971-21 and the reserved matters approval H07-0324-24 need updating or removing.

The reserved matters approval only included 2 conditions. The first condition set out the approved plans, which are proposed to be altered through the current application. The second condition required a 1.8 high close boarded fence to be erected along the western boundary of the site, and for this fence to be retained in the interests of the amenity of neighbouring properties. A 2m high fence has already been installed on the northern, western and southern boundaries. As such, it is considered to update this condition to require the fence to be retained on the western boundary of the site.

The outline permission included 12 conditions.

-Condition 1 required an application for the approval of reserved matters to be submitted within 3 years of the decision notice date. The reserved matters application has been submitted and approved. Condition 1 also required the development to be commenced within 2 years from the final approval of reserved matters. As the reserved matters approval was granted on 03 June 2024, it is considered appropriate to update the wording of this condition to require the development to be commenced by 03 June 2026.

-Condition 2 set out approved plans. This condition will be updated with the amended plans from the current application.

-Condition 3 required an application for the approval of reserved matters to be submitted prior to the commencement of development. The reserved matters application has been submitted and approved. As such, this condition is no longer necessary and is proposed to be removed.

-Condition 4 required a landscaping scheme to be submitted with any reserved matters application. The current application includes landscaping details and as such, it is considered appropriate to update this condition to require the development to be carried out in accordance with the submitted details, rather than requiring the submission of further details.

-Condition 5 required the submission of boundary treatment details. The submitted site plan shows the proposed boundary treatments and as such, it is considered appropriate to remove this condition.

-Condition 6 required the development to be carried out in accordance with the approved Flood Risk Assessment. This condition is proposed to be retained.

-Conditions 7 and 8 required details of the foul and surface water strategy for the site to be submitted and approved. The submitted site plan includes details for the proposed foul and surface water strategy, including a sewage treatment plant within the rear garden and a soakaway in the front driveway. It is considered that the soakaway should be large enough to accommodate the surface water runoff from the development. As such, it is considered appropriate to merge these

conditions into one compliance condition, requiring the development to be carried out in accordance with the submitted drainage details.

-Conditions 9 and 10 required details of a contamination assessment to be submitted and approved. It is considered to retain these conditions.

-Condition 11 required details of ecological biodiversity measures to be submitted and approved. The submitted site plan shows bird and bat boxes and planting within the site. These measures are considered to be suitable and proportionate for the development and as such, it is considered appropriate to change condition 11 into a compliance condition, requiring the bird and bat boxes and planting to be carried out in accordance with the submitted details.

-Condition 12 required the development to incorporate measures to limit water usage. This condition is proposed to be retained.

No legal agreements were previously agreed and as such, there is no need to update any legal agreements as part of the current application.

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.

It is considered that the proposal would be exempt from the requirement to provide BNG as the original permission which the current section 73 application relates to was granted before 12 February 2024.

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 proposed development 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. Therefore, the proposed development accords with the Local Plan and the NPPF. 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 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. 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.