

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0804-24 **Applicant:** Mr & Mrs J Matthews
Proposal: Details of Biodiversity Net Gain (Condition 11 of H09-0126-24)
Location: The Old Brickyard Farmhouse Peartree House Road Holbeach
Terminal Date: 16th December 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge condition 11 of H09-0126-24, relating to details of biodiversity measures. Condition 11 reads as follows:

"Prior to the commencement of the development hereby permitted beyond oversight, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2023."

Crucially, this condition was imposed prior to the requirement for a 10% Biodiversity Net Gain introduced via the Environment Act 2021. As such, under the wording of the condition, the

submitted information simply needs to demonstrate a net gain, rather than a specific figure.

Site Description

The site is outside of the defined settlement limits of Holbeach and as such is classed as being located in the countryside. The surrounding area is predominately rural and is characterised by non-nuclearised linear development of varying ages and designs. The site frontage is located 23 metres to the south-east of the building. Old Brick Yard Farmhouse is located 28 metres to the south-west of the proposed holiday let. The boundary with Old Brick Yard Farm is located 6 metres to the north-east and 13.5 metres to the north-west. Existing boundary treatment is a 2 metre high hedge and metal barrier to the frontage with a wire mesh fence beyond. The north-eastern side boundary is a 1.8 metre high timber fence, as is the fence along the north-western rear boundary. The south-eastern side boundary is a 1.6 metre high brick wall and the side elevation brick wall for a curtilage building at The Old Brickyard Farmhouse.

Relevant History

H09-0683-24 - Condition Compliance - Details of external boxes for gas & electricity supplies & gas flues & soil vent pipes, landscaping & tree planting, boundary treatment & foul & surface water disposals (Conditions 4, 5, 6 & 9 of H09-0126-24) - Approved 15 October 2024

H09-0126-24 - Full - Conversion & Extension of Barn to Holiday Let - Approved 18 April 2024

H09-1378-06 - Full - Change of use from agricultural to domestic garden - Approved 24 November 2006

H09-0458-08 - Condition Compliance - Details of existing hedge works to trees (Conditions 2 and 3 of H09-1378-06) - Approved 16 April 2008

Consultation Responses

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

Key Planning Considerations

Condition 11

The submitted Biodiversity Metric displays a 3.83% net gain; and therefore, the requirements of the condition have been satisfied. The submitted habitat management and monitoring plan (HMMP) is considered to be appropriate, given the scale of the proposal, and will adequately assure that the aforementioned net gain is maintained.

The submitted information refers to several species which are afforded special protection. To mitigate the impacts upon these animals, the installation of temporary and permanent bird and bat boxes/ roosts are proposed. This again is considered appropriate. In any event, several of these species are given further protection under the Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act, 1981, which will ensure their safe handling irrespective of the outcome of this application.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or

other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The submitted information satisfies the requirements of condition 11, and therefore, condition 11 of H09-0126-24 can be discharged.

Recommendation

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