

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1081-25 **Applicant:** Clark & Clark Developments

Proposal: Details of boundary treatments, foul & surface water disposal, landscaping & tree planting, written scheme of archaeological investigation, BNG details, maintenance for HMMP and BNG Metric (Conditions 5, 6, 7, 11, 14, 15 and 16 of H09-0205-25)

Location: Adj. Fair View Holbeach Drove Gate Holbeach Drove

Terminal Date: 31st 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
- 31 Climate Change and Renewable and Low Carbon Energy
- 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 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
- Section 16 - Conserving and enhancing the historic environment

Representations:

| | Object | Support | No Obj. | Comments |
|-------------------------|--------|---------|---------|----------|
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 2 |

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking permission to discharge Conditions 5, 6, 7, 11, 14, 15 and 16 of H09-0205-25.

Site Description

The site is located within the defined settlement boundary of Holbeach Drove as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

It is sited towards the north of Holbeach Drove, directly opposite a row of semi-detached bungalows, with the surrounding area comprising multiple other residential dwellings of various designs, scales and material finishes. Directly to the rear of the site, there is large open fields where the development boundary ends, with Lambert Drain beyond this, and St Polycarp's Church can be seen.

History

H09-0205-25 - Erection of 2 Dwellings - Approved

Consultation Responses

South Holland Internal Drainage Board

Byelaw 3 - Consent may be required

Section 23, Land Drainage Act 1991 - Not Applicable

Byelaw 10 - Not Applicable

Lincolnshire County Council Highways Authority

ADDITIONAL INFORMATION REQUIRED

5 - boundary treatments - the boundary fence proposed for the boundary to Fairview should be no higher than 0.6m at the access. It can be splayed down so as not to reduce visibility.

Comments After Amendment

Details of boundary treatments, foul & surface water disposal, landscaping & tree planting, written scheme of archaeological investigation, BNG details, maintenance for HMMP and BNG Metric (Conditions 5, 6, 7, 11, 14, 15 and 16 of H09-0205-25). The details submitted to discharge condition 5 attached to H09-0205-25 is acceptable in accordance with approved drawing J25175-CON01 revision dated 27-11-25 on South Holland planning porta

Lincolnshire County Council Historic Places

Thank you for consulting us on this.

The submitted archaeological WSI meets the required standards, and we can recommend discharge in full of Conditions 11 of H09-0205-25 (Details of written scheme of archaeological investigation).

Senior Ecologist

Having reviewed the BG Plan, HMMP and BNG metric and Habitat Maps for this site, we support the discharge of conditions 14, 15 and 16 for the application: H09-0205-25.

Planning Considerations

Details of Boundary Treatments

Condition 5 of H09-0205-25 states that:

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

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

Three fence types have been proposed within this submission. Firstly, Type A would be located along the boundary between 'Fair View' to the front of the site and would span a total of 10m and be 1.2m high. It would be constructed from vertical timber fencing boards, RC concrete posts, aris rails and timber gravel boarding. This fence would be suitable in its location as it would only act as a barrier between Plot A and the extant neighbouring dwelling, it has no need to act as an amenity barrier and therefore the height is acceptable. It would be readily visible from the highway, however, the design is considered to be suitable in this regard.

Furthermore, Type B would be constructed from the same materials as Type A and would be sited on the same boundary but between the gardens of Plot A and 'Fair View' and Plot A and Plot B. It would have a height of 1.8m. The site is located in Flood Zone 1 and therefore has a low flood risk, the levels of the plots do not need to be raised therefore the height of the fence remains acceptable. It would not be seen from the highway and therefore causes no harm to the street scene from a character perspective.

Finally, Type C would be to the rear of the site between the plots and the fields. It would have a height of 1.5m and span 18m in length, being constructed from post and rails. This fence is considered to be acceptable as it has no purpose to protect or conserve amenity in any capacity due to purely providing an outlook to the large fields to the rear of the site.

LCC Highways have raised no objections to the discharging of this condition and state that it is acceptable.

Condition 5 of H09-0205-25 can therefore be discharged.

Full Details of Drainage

Condition 6 of H09-0205-25 states that:

Before any development beyond oversite is commenced, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

Details relating to the drainage of surface and foul water have been submitted within this application, South Holland Internal Drainage Board have commented on the application to say that whilst Section 23 and Byelaw 10 are not applicable, consent may be required under Byelaw 3. Their comments outline that the applicant has indicated they intend to dispose of surface water via infiltration and have provided some information regarding testing which has been conducted on site. They recommend that the applicant satisfies themselves that the testing has been carried out in line with BRE Digest 365 to determine the infiltration potential. If the strategy wholly reliant on infiltration does not prove viable and surface water discharge is proposed to a watercourse then consent would be required under Byelaw 3. For the time being, as they do not intend to dispose of the surface water via a watercourse then this is currently not needed.

Condition 6 of H09-0205-25 can therefore be discharged.

Landscaping Detail

Condition 7 of H09-0205-25 states that:

Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance.

Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses, in the opinion of the Local Planning Authority, shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

Four Rowan trees and a wild privet hedge have been proposed within this submission of landscaping details. The trees would be between 8m - 10m high, one would be between the parking spaces to the front of the site whilst the other three would be in the private rear gardens of the plots. The hedge would have a length of 9.8m and a width of 1.2m and maintained to a maximum height of 2m. Due to its closeness to the highway it would also be maintained to ensure that it is kept off the highway. Although the details are minimal and the overall introduction of landscaping is fairly minor, as the site is providing BNG there is already a 10% net gain and therefore this is considered acceptable.

Condition 7 of H09-0205-25 can therefore be discharged.

Archaeological Scheme

Condition 11 of H09-0205-25 states that:

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).*
- 2. A methodology and timetable of site investigation and recording*
- 3. Provision for site analysis*
- 4. Provision for publication and dissemination of analysis and records*

5. Provision for archive deposition

6. Nomination of a competent person/organisation to undertake the work

7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Section 16 of the National Planning Policy Framework, December 2024. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

Lincolnshire County Council Historic Places have commented on the application with respect to this condition and outlined that the 'submitted archaeological WSI meets the required standards, and we can recommend discharge in full of Conditions 11 of H09-0205-25 (Details of written scheme of archaeological investigation)'.

Condition 11 of H09-0205-25 can therefore be discharged.

Biodiversity Gain Plan

Condition 14 of H09-0205-25 states that:

The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended).

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

The LPAs Ecology Team were consulted on this application and outlined that they support the discharge of Condition 14.

Condition 14 of H09-0205-25 can therefore be discharged.

HMMP Condition

Condition 15 of H09-0205-25 states that:

Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.

B) Details of the phasing and implementation of the habitats

C) Details of the management operations necessary to achieving aims and objectives.

D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.

F) Details of the persons responsible for the implementation and monitoring.

G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To meet the requirements in delivering the Mandatory Biodiversity Net Gain and to ensure net gain in biodiversity is provided on site.

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

The LPAs Ecology Team were consulted on this application and outlined that they support the discharge of Condition 15.

Condition 15 of H09-0205-25 can therefore be discharged.

Biodiversity Net Gain Metric

Condition 16 of H09-0205-25 states that:

Prior to any development taking place on site, further details regarding the Biodiversity Net Gain Metric will need to be submitted to and approved in writing by the Local Planning Authority. The metric details must be re-entered for the baseline and post development total area to be the same. Notwithstanding this, the Local Planning Authority can be confident that the site can achieve a 10% net gain providing these changes/additions are made.

Reason: To meet the requirements in delivering the Mandatory Biodiversity Net Gain and to ensure net gain in biodiversity is provided on site.

This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019.

The LPAs Ecology Team were consulted on this application and outlined that they support the discharge of Condition 16.

Condition 16 of H09-0205-25 can therefore be discharged.

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

Conditions 5, 6, 7, 11, 14, 15 and 16 of H09-0205-25 can therefore be discharged.