

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H09-1278-25                      **Applicant:** Loosegate Developments Ltd

**Proposal:** Proposed Erection of 2 Bungalows

**Location:** Land East Of Forest Way Holbeach Spalding

**Terminal Date:** 3rd March 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

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 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	6	0	0	0

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The proposal seeks full planning permission for two bungalows. The bungalows are proposed to be semi-detached single storey dwellings featuring a hipped roof form. The bungalows are proposed to be located to the east of Forest Way. Two vehicular accesses are proposed from Forest Way with two parking spaces for each of the bungalows and gardens are proposed to the site of each of the bungalows.

### **Site Description**

The application site comprises an area of mowed lawn to the east of Forest Way in Holbeach. The site is located to the south of Wignal's Gate.

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

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

### **Planning History**

H09-0798-96: (Full Application) Erection of seven dwellings - not determined

H09-0096-97: (Full Application) Erection of four dwellings - approved 06 November 1997

H09-0326-17: (Outline Application) Residential development - approved 21 August 2018

H09-0872-18: (Reserved Matters) Erection of 77 dwellings and associated works - outline approval H09-0326-17 - approved 04 December 2018

H09-0228-19: (Discharge of Conditions) Details of Conditions 7 (Surface water drainage), 8 (Contaminated land), 10 (Refuse storage), 12 (Existing and proposed site levels), 16 (Open space management), 17 (Construction process management plan), 18 (Prevention of mud on the highway), & 19 (Foul water strategy) of H09-0326-17 - approved 25 April 2019

H09-0270-19: (Reserved Matters) Erection of 12 dwellings (Plots 13,14,15, 20, 21, 26, 27, 67, 68, 69, 76, 77) - outline approval H09-0326-17 - approved 30 May 2019

H09-0426-19: (Full Application) Proposed bungalow - approved 26 July 2019

H09-0724-25: (Discharge of Conditions) Details of lighting to roads and footpaths and publicly accessible open space (Conditions 9 & 15 of H09-0326-17) - Residential development - approved 04 September 2019

H09-1201-19: (Discharge of Conditions) Details of boundary treatment, schedule of materials and landscaping management and maintenance schedule (Conditions 14 and 20 of H09-0326-17) - approved 21 January 2020

H09-1178-19: (S106 Modification) Modification of 106 Agreement appended to permission referenced H09-0326-17 to ensure delivery of units is in line with the contract programme of works and to allow safe occupation upon transfer of units to SHDC - approved 25 February 2020

H09-0278-20: (Discharge of Conditions) Details of external materials (Condition 2 of H09-0872-18) - approved 02 April 2020

H09-0448-20: Discharge of Conditions) Details of refuse collection management plan (Condition 5 of H09-0872-18) - approved 27 July 2020

H09-0819-21: (Section 73) Erection of 77 dwellings and associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. (Change plot 50, extending the rear gardens of plots 51 & 52 and extending a portion of highway) - approved 30 September 2021

H09-0188-21: (Full Application) Residential Development comprising 34 dwellings and associated works - approved 02 December 2021

H09-0160-22: (Discharge of Conditions) Details of external materials of construction of buildings & hard surfaced areas (Condition 2 of H09-0872-18) - approved 24 February 2022

H09-1317-21: (Discharge of Conditions) Details of roads & footpaths specification, finished surface levels of estate road & associated footways & areas of publicly accessible open space (Conditions 4, 6 & 11 of H09-0436-19) - approved 24 February 2022

H09-0200-22: (Section 73) Erection of 77 dwellings & associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. Amend non-adopted roadway in front of plots 68-70 - approved 27 May 2022

H09-0365-22: (Full Application) Erection of 2 dwellings (Plots 78 & 79), reconfiguration of Plots 75, 76 & 77, reconfiguration of highway turning head and design amendment to Plot 71 - approved 16 February 2023

H09-0322-23: (Section 73) Erection of 2 dwellings (Plots 78 & 79), reconfiguration of Plots 75, 76 & 77, reconfiguration of highway turning head and design amendment to Plot 71 - approved under H09-0365-22. Modification of Condition 2 to allow amendments to previously approved plans - approved 08 June 2023

H09-0379-25: (Discharge of Conditions) Details of management plan for areas of publicly accessible open space and any outdoor play areas (Condition 16 of H09-0326-17) - withdrawn 03 June 2025

H09-0612-25: (Section 73) Erection of 77 dwellings and associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans and Condition 4 relating to public open space management plan - withdrawn 01 July 2025

H09-0796-25: (Full Application) Proposed Erection of 2 Bungalows - refused 22 October 2025 - appeal pending consideration

## **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.

CIlr N J Chapman: Having closely read the new application, and compared it to the previous

application, and the final conclusion, I can see that the previous concerns have been addressed so will support the application.

Lincolnshire County Council - Historic Environment: 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.

Lincolnshire County Council - Highways and SUDS: No objections in terms of highway safety. As the bungalows are located so close to the attenuation basin, the LPA needs to satisfy themselves that the increase in permeable area will not have a negative impact on the functionality of the basin. Planning conditions are recommended requiring boundary treatments not to exceed 0.6m next to Forest Way and for further access details to be provided prior to the occupation of the bungalows.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, 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 2l/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 dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991: I note the presence of a Board owned, arterial watercourse known as F37 Holbeach New River (DRN197P3703) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). 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 Proposed Site Plan (LDC4657-10, Dec 2025), indicates the Board's 9 metres Byelaw Zone and works are not currently proposed within this zone. However, if the applicant's proposals change to include works within 9 metres of the aforementioned Board arterial watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10. Please note, it is unlikely that the Board would issue consent for any works within this 9 metre Byelaw Zone, now or in the future.

National Grid: Please contact NGED Planning to check the surrounding UG earthing and cables are 9m clear of development.

Environmental Protection: I request a standard land contamination condition be applied at this location.

Ecology Officer: There has been sufficient evidence provided to determine this application, as long as the mandatory 10% net gain is achieved through securing offsite units pre-commencement.

Holbeach Parish Council: No response received.

Clr S E Hutchinson: No response received.

Clr T Carter: 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, 7 representations have been received from members of the public. The key matters set out within the representations are summarised below:

- The homes would not be in keeping with the existing homes within the estate.
- The proposals would result in a loss of open space.
- The proposals would result in an increase in traffic within the site.
- Forest Way is too narrow to accommodate more traffic.
- The dwellings would be located next to the road junction onto Wignal's Gate where visibility is restricted.
- Insufficient on-site parking will force vehicles to park on Forest Way, reducing visibility, creating blind spots and obstructing service and emergency vehicles.
- The proximity of the dwellings to the attenuation pond risks future maintenance issues, increased surface water run-off and potential flooding.
- The area is liable to flooding and the proposals would worsen the risk of flooding.
- The proposals would result in an increase level of disturbance as a result of construction vehicles and works.

## **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:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

### Principle of Development

Policy 1 of the Local Plan 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 Holbeach which is a Main Service Centre. Policy 1 sets out that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Therefore, the principle of residential development within the site is considered to accord with Policy 1.

Notwithstanding this, the area where the two dwellings are proposed was shown as open space within the reserved matters approval for the site (H09-0270-19), and within subsequent approvals. For example, the area is shown as being open space within the subsequent application to discharge condition 16 under reference H09-0228-19.

The application site covers an area of approximately 0.05ha. The site has previously been granted approval to form a soft landscaping area as part of the wider site which contains 79 dwellings. The proposed development would result in the loss of 0.05ha of open space and soft landscaping. Policy 32 of the Local Plan sets out that 0.75 ha of open space should be provided per 1,000 people. It is anticipated that there would be up to 365 residents within the wider site, equating to a requirement for 0.27ha of open space across the wider site. Even with the proposed loss of open space as a result of the current proposals, the wider site would still deliver 1.08ha, which exceeds the requirements of Policy 32.

The loss of open space is generally resisted as these types of spaces can form an important part of the public realm and the concerns within the public representations are noted in this regard. However, the proposal would not result in an under provision of open space based on the requirements of Policy 32. Furthermore, although the site is shown as open space within previous approvals for the site, a full planning application can be submitted for two dwellings on the site. As such, the principle of development is acceptable provided the development accords with the Local Plan in terms of other materials considerations.

### Design and Visual Impact

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 site comprises approximately 0.05ha of land located to the east of Forest Way and to the south of Wignal's Gate. To the west of the site, there is an access road and a drainage ditch (New River).

The site is located along the main entrance into a larger residential development featuring approximately 79 dwellings which is located to the south of the site. As such, the site is within a relatively prominent position due to its location along an entranceway into a wider residential development. Most of the nearest dwellings are two-storey dwellings, however, there are some single storey bungalows located to the south-west of the site.

The area where the bungalows are proposed was meant to be provided as public open space with soft landscaping, including tree planting. This is shown within various approvals, including application H09-1201-19 within which approval was granted to discharge a landscaping condition. The approved planting has not been provided as shown within the approved plans. Instead, the site has been left as a vacant grassed area of land. Presumably this area of the land was not proposed for housing previously due to various site constraints such as the need to retain an easement area with the watercourse to the west of the site, and the need to provide a suitably sized vehicular access to the wider site.

The bungalows are proposed to be semi-detached, featuring a hipped roof form and two porch roofs

on the front roof slopes. The bungalows feature symmetrical facades. The ridgeline height of the bungalows measures 5.3m and the eaves measure 2.5m in height. Although the proposed materials are not yet confirmed, the plans show brick soldier course detailing beneath the windows on the bungalows.

The bungalows are proposed to be located to the east of Forest Way, facing to the road. Two parking spaces are proposed for each of the bungalow next to Forest Way. Side gardens are proposed to the north and south of the bungalows and some planting is shown indicatively within the front garden areas. The 3D visualisation of the site shown on the 'Proposed Bungalows' plan (LDC4657-11) shows mature trees next to the site. As set out above, this is misleading as the developer has not provided trees as previously proposed.

The nearest plot layouts along Forest Way vary as there is a mixture of single storey bungalows and larger dwellings. There are also no dwellings directly next to the site. There are two bungalows located to the south-west of the site, on the opposite side of Forest Way. These bungalows include 2 Forest Way and 4 Forest Way. Both of these bungalows face to the east, towards Forest Way and are set back from the road frontage. As such, both bungalows have front gardens and are set within appropriately sized plots. The proposed bungalows, by contrast, would feature a more cramped layout due to their proposed siting. Therefore, it is considered that the development represents a cramped layout, representing an incongruent form of development that would be out of keeping with the character and appearance of the area.

The site plan indicates that 1.8m close boarded fencing is proposed at the rear of the site. It is unclear if the fencing is proposed around the side boundaries of the bungalows or how far the fencing is proposed at all given the lack of clarity within the site plan. The site plan shows hedgerow planting around the side and front boundaries of the site to enclose the garden spaces. If 1.8m timber fencing is proposed around these areas then this would create a sense of enclosure that would jar harmfully with the current open character of the site.

Whilst the approved soft landscaping has not been planted within the site, the site still contributes to the character of the street scene, providing an entranceway to the wider site. It is considered that the proposal would harm the character and appearance of the street scene as a result of a poor-quality design. Therefore, the visual impact of the development is unacceptable, harming character and appearance of the area. As such, the development would not accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

### Impact on Amenity

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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Each of the dwellings is proposed to feature 60sqm of internal floorspace. This accords with the nationally described space standard for a single storey one-bedroom dwelling which is between 37sqm and 50sqm.

Side gardens are proposed for the dwellings. Each of the gardens would provide sufficient external amenity space; however, as set out above, it is not clear that the side gardens could be effectively integrated into the street scene. The proposed hedgerows would need to be relatively tall to private garden space given their location next to the dwellings rather than at the rear of the dwellings. It might take a long period of time for the native hedgerow planting to become established and in the meantime, occupants might wish to have high fencing to provide private amenity space and the visual impact of any such fencing would likely harm the character and appearance of the street scene.

It is considered that the proposal would result in an unacceptable degree of outlook from the bungalows due to the proposed positioning of 1.8m high timber fencing approximately 1m from the rear elevation of the bungalows. This fencing would block most of the outlook from the rear windows of the bungalows, resulting in an unacceptable impact on the amenity of future occupants. Therefore, the proposed development conflicts with Policies 2 and 3 of the Local Plan and

Paragraph 135 of the NPPF, which amongst other things, seek to ensure proposals have an acceptable impact on the amenity of occupants.

It is considered that there would be suitable separation distances between the proposed bungalows and the nearest dwellings to the site. For example, 39A Wignals Gate is located to the west of the site, on the opposite side of Forest Way. There are no windows on the side elevations of 39A Wignals Gate and as such, no windows would face towards the proposed dwellings. The other nearest dwelling is 97 Hall Gate which is located to the east of the site. There is an access road and a drainage ditch between the site and 97 Hall Gate and as such, the proposal would not result in an unacceptable degree of overlooking with this property.

### Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

Vehicular access is proposed via Forest Way, to the west of the site. Two parking spaces are proposed for each of the dwellings at the front of the properties. Lincolnshire County Council's (LCC) highways and sustainable drainage team have not raised any concerns with the visibility splays for the site or with the proposed parking arrangements. The team have recommended planning conditions requiring boundary treatments not to exceed 0.6m next to Forest Way and for further access details to be provided prior to the occupation of the bungalows. With the inclusion of such conditions, it is considered that the proposal would have an acceptable impact on highway safety in accordance with Policies 2, 3 and 36, and Section 9 of the NPPF.

### Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is located within Flood Zone 3. Policy 4 of the Local Plan sets out that development within Flood Zone 3 can be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA); however, the FRA does not contain any reference to the sequential or exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

In this case, it is recognised that the vast majority of the surrounding area around Holbeach is located within Flood Zone 3. A relatively small area within Holbeach town centre is located within Flood Zones 1 and 2 and some small areas to the south of this. As such, there is limited scope to enable the development of 2 dwellings within a lower risk flood zone area as these areas are largely already built upon. The site is also within a 'low' hazard area, as identified within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). As such, the site is sequentially preferable to higher risk hazard areas. Therefore, in this instance, it is considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"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."

In terms of part a, the development would make a minor contribution to local housing supply which could benefit the community as future occupants could help sustain local services and facilities. National Planning Guidance sets out that examples of wider sustainability benefits can include the re-use of brownfield land and the provision of sustainable drainage systems (Paragraph: 036 Reference ID: 7-036-20220825). The application form indicates that the proposed means of surface water drainage is via soakaways, which are a sustainable form of drainage. It is unclear if soakaways are feasible at this stage as the application is not accompanied by infiltration testing results. Therefore, it would be appropriate to include a condition requiring soakaways to be proposed. An alternative drainage strategy would only be acceptable if soakaways are not feasible.

Due to the proximity of the site to an attenuation basin, it is also unclear if the development could undermine the drainage scheme for the wider site. The approved drainage strategy for the wider site took into account the permeable and impermeable areas within the site. The proposed bungalows would introduce further built development and it is unclear if this could affect the wider drainage strategy by increasing the water storage requirements for the area.

In terms of part b, the SFRA sets out at Paragraph 9.1.5, that there are a range of factors to be considered when determining whether or not a development is 'safe'. The 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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is within a 'low' hazard rating area. The submitted Flood Risk Assessment (FRA) sets out flood risk mitigation measures based on the hazard rating area of the site and the type of development that is proposed. The FRA recommends that the finished floor levels are set 300mm above the carriageway level on Wignals Gate. This accords with the requirements of the SFRA.

LCC's highways and sustainable drainage team have queried whether the proximity of the dwellings to the attenuation basin is suitable. For example, it is unclear if the increase in the permeable area could affect the functionality of the attenuation basin. This was queried with the applicant's agent during the determination of the previous application; however, no additional information was provided nor has any additional information been provided with the current application to demonstrate that the proposals would not undermine the functionality of the basin.

Condition 7 of permission H09-0326-17 required surface water drainage details to be submitted and agreed for the wider residential development site which now includes 79 dwellings. Condition 7 was discharged under reference H09-0228-19 on 25 April 2019. The approved drainage strategy included a combination of soakaways and discharging surface water from roofs into soakaways and from the access road into the South Holland Internal Drainage Board system to the east of the site via two separate outfalls. The outfalls have a restricted discharge rate of 5 litres per second. It is unclear if the proposed additional dwellings would affect this discharge rate.

Drainage details can often be secured via planning conditions due to the level of technical detail that is often required to support a drainage strategy. The proposed development is of a relatively small scale, and it is considered that a suitable drainage strategy could be secured via planning conditions. As set out above, the proposed flood risk mitigation is acceptable such as the proposed finished floor levels. Therefore, it is considered that the development would pass the exception and sequential tests, and that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

### Biodiversity Net Gain

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Section 8 of the Regulations outlines the following:

*"The biodiversity gain planning condition does not apply in relation to planning permission for development which:*

*(a) consists of no more than 9 dwellings;*

*(b) is carried out on a site which has an area no larger than 0.5 hectares; and*

*(c) consists exclusively of dwellings which are self-build or custom housebuilding"*

Furthermore, Policy 28 of the Local Plan requires all applications to demonstrate BNG. However, Paragraph 20 of the National Planning Practice Guidance on BNG, states the following:

"It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain. Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework."

The application is accompanied by a BNG Statement and associated calculations. The LPA's ecology officer has also not raised any objections or concerns with the accuracy of the submitted information. According to the submitted information, the proposals would result in a net loss of biodiversity and there is insufficient capacity within the site to provide BNG on-site. As such, it is proposed to secure habitat units off-site. It is recognised that due to the small size of the site, there is limited scope to provide BNG on site and it is considered that BNG can be secured through an off-site contribution. This can be secured via a planning condition which has been agreed with the applicant's agent.

### **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 would provide two dwellings, providing a minor contribution to the supply of homes within the district. This is a minor contribution and is afforded little weight as the local planning authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment (5.5 years as of 31 March 2025).

The site is located in a relatively prominent position within the immediate area given its location next to the entranceway into a larger residential development to the south of the site. Furthermore, the site has been approved as open space, and any loss of this space should be mitigated with a high quality design and appropriate landscaping. It is considered that the development represents a cramped layout, representing an incongruent form of development that would be out of keeping with

the character and appearance of the area, with an unacceptable impact upon future residents also.

These matters weigh against the proposal in the planning balance. The development would not accord with Policies 2 and 3 of the Local Plan which, amongst other things, seek to ensure that proposals are appropriately designed and have a suitable impact on the character and appearance of the area. Furthermore, the proposal would not accord with Paragraph 135 of the NPPF which seeks to ensure that proposals are visually attractive. Therefore, the proposals do not conform with the Local Plan and the provisions of the NPPF when viewed as a whole. As such, the planning balance is against the development due to the weight afforded to the resultant harm and the limited benefits that the scheme would deliver.

## **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 does not accord with Policies 2 and 3 of the Local Plan, along with Section 12 of the NPPF, specifically Paragraph 135. There are no significant factors in this case that indicate in favour the proposal and outweigh the visual harm that would be caused.

## **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be refused under delegated authority.