SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Lead Development Management Planner (Interim) - BBC & SHDC**

To: **Planning Committee - 02 April 2025**

(Author: **Mark Niland - Planning Officer)**

Purpose: **To consider Planning Application H11-0120-24**

Application Number:	H11-0120-24	**Date Received:**	09 February 2024
Application Type:	FULL		
Description:	Proposed residential development (123 dwellings) - previously approved under H11-0398-12.		
Location:	Land off Little London Long Sutton Spalding		
Applicant:	Brownmoor Developments (Long Sutton) Ltd	**Agent:**	Lincs Design Consultancy Ltd
Ward:	Long Sutton	**Ward Councillors:**	Cllr A C Tennant Cllr J Tyrrell Cllr D J Wilkinson

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0120-24

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 There have been requests from the MP and ward Cllrs that this item is heard at planning committee.

It is also considered that given the scale of the proposal and the balanced nature of the planning topics that this item should be considered by the planning committee.

2.0 PROPOSAL

2.1 This is a proposal for 123 dwellings made up of a mix of market and affordable dwellings. The affordable dwellings are amalgamated to the south east of the proposed scheme and in total represent 57 dwellings, made up of 28 shared ownership and 29 rentals. In terms of scale the proposed dwellings are predominantly 2-storeys in height with the exception of the easternmost avenue of properties which are bungalows. The mix is made up of the following house types:

2.2 -64 semi-detached type properties,
-9 terraces (groups of three)
-50 detached properties of which
-10 bungalows

2.3 The materials are shown in the 'integrated planning statement' red/buff/grey brick, horizontal composite cladding and render. Roofs will be covered with a selection of grey slate-look tiles and red pantiles.
The main access for the development is proposed from Little London, there are several internal roads, with frontage properties and a central area of public open space as well as one to the

eastern edge of the site, where an existing orchard exits. An attenuation pond is located to the western end of the proposal site along with a pond and the retention of part of the existing orchard.

3.0 SITE DESCRIPTION

3.1 The application site is located within the settlement limits for Long Sutton and allocated as a committed housing site, in accordance with insert Map 7. The SFRA shows that predicated levels for this area (in 2115) allocated the site (in the most part) as being a 'Danger for Most' with levels being between 1.25 and 2.0 metres.

3.2 The application site relates to the former butterfly and wildlife park which was granted planning permission for residential development comprising 87 dwellings in 2014 (ref: H11-0398-12). This development never came forward but through works of demolition and access creation is understood to be extant.

3.3 The current site has on it a number of trees, shrubs and grass land. To its east an existing orchard is located. Beyond that a solar array, the access track to which runs along the southern boundary of the application site. To the north there are more dwellings as well as the Peel Leisure Centre and the University Campus of Little London.
This part of Little London is made up of residential development, that is linear in form and a mix of both single storey and two storey dwellings. Permission for the regeneration of the local school located further north has recently been achieved.

3.4 The application site is shown by the SFRA Hazard maps to be in a location 'danger for some', the application site is within the settlement boundary and playing fields are allocated by the policies map.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

Policy 1 Spatial Strategy
Policy 2 Development Management
Policy 3 Design of New Development
Policy 4 Approach to Flood Risk
Policy 6: Developer Contributions
Policy 10: Meeting Assessed Housing Requirements
Policy 11: Distribution of New Housing
Policy 17: Providing a Mix of Housing
Policy 18: Affordable Housing
Policy 28: The Natural Environment
Policy 29: The Historic Environment
Policy 30: Pollution
Policy 31: Climate Change and Renewable and Low Carbon Energy
Policy 36: Vehicle and Cycle Parking
Appendix 6 Parking Standards

4.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 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

4.3 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H11-0398-12 - Proposed residential development comprising 87 dwellings and associated works and to include renewable energy systems. Approved 27-01-14

5.2 H11-0206-11 - Proposed solar park including photovoltaic arrays, inverter housing national grid connection, landscaping/security fencing and vehicular access. Approved 28-04-11

6.0 REPRESENTATIONS

6.1 Long Sutton Parish Council

The parish council object on the following basis:

- Initial application for site was submitted in 2012 and permission given in 2015

- The approval was for 87 Eco houses which SHDC advised gave special status to use Grade I agricultural land.

- The Parish Council did produce a copy of a Letter from MAFF which stated that Ministry would expect to be given the opportunity to comment on such proposals put forward to develop the open agricultural land on the site. However, SHDC advised that MAFF no longer existed and did not accept the argument DEFRA should be notified being the same department but with a different title.

This has been submitted for consideration separately to the planning officer as it is an important document and should not be ignored.

- The council did submit a complaint to SHDC relating to the approval and began to seek a judicial review however due to the costs of some £40,000 the parish council was unable to pursue the review.

- The SELLP plan adopted in 2019 only gives LS015 Seagate Road and LS026 Lime Walk and LS046 as housing allocation sites.

- The former butterfly park is marked as a housing commitment site and when the Eco housing application was still in force. This was only granted under special status to allow the use of the Grade 1 Agricultural land and this permission ran out in 2017

At the time of the previous approval there were concerns that legislation applied as a reason for approval was not then in force.

- Any works already carried out on this site is unrelated to this application or applicant.

- It is an increase of 46 dwellings which could equate to an addition 72 + vehicles on site.

- There is no Bat survey included in the documents.

- There is no environmental impact statement in the supporting documents.

- The Transport Assessment, Travel Plan and Tree Report commissioned by Moor Solar submitted with the application are for the previous application for 87 Eco houses and not for this application. The data is 13 years out of date and the plans are contrary to any sustainable housing.

The council ask if the land should be raised by 4mtr due to flooding requirements as with recent housing approvals in the area.

- The Drainage Survey, Flood Risk Assessment and Integrated Planning Statement were commission by D Brown developers and not the applicant

- The supporting documents are a mish mash of documents from various sources not related to the applicant.
- Lime Walk increase from 48 to 50 homes, Seagate Road given permission for 171 homes and now applying to amend semi-detached to terrace of 4 further increasing the housing numbers.

- Both developers sought to renege on S106 agreements

- The applicants company only set up on 17 January 2024 plans submitted 09 February 2024. There is a precedent of such companies winding up leaving amenities and play areas in poor order and any management agreements , conditions deemed unenforceable.

- Grade 1 agricultural land was only ever used as a farm and wildlife park since 19th century. No agricultural loss when butterfly park was in operation.

- The wooded area in the centre of the site may have trees of interest/native protected species.

- The tree report is 12 years out of date and not relevant to the application and referred to the Eco application Peele school being rebuilt and existing school demolished any additional construction traffic on Roman Bank/Little London not feasible.

Negative Impact on residents quality of life and safety of pupils at risk Request all residents on Little London and Roman Bank consulted.

-Request DEFRA consulted as per conditions of Butterfly Park approval

- Recommend refusal

6.2 Anglian Water

Thank you for your consultation. Having reviewed the development, it falls out of our Statutory sewage boundary. We therefore have no comments.

6.3 South Holland IDB

No comments

6.4 Environment Agency

No objections subject to condition on finished floor levels and location of single storey dwellings.

6.5 Historic Environment Officer

Thanks for consulting us on this application. This Section previously commented back in 2011, on outline application H11-0206-11 for a solar farm development adjacent to the proposed development area and recommended: "No archaeological input required". This was based on the available Historic Environment information for the application at the time, which showed a low archaeological potential of the development area.
This Section also commented back in 2012 on outline application H11-0398-12 and recommended: "No archaeological input required" for the same reasons explained above. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is still unlikely to have an impact on significant archaeological remains. Consequently, I reiterate the previous recommendations: no further archaeological input is necessary for this application

6.6 Education Planning Manager

There is a need for Education contributions to make this scheme acceptable in planning terms.

6.7 Highways & SuDs Support

Approve with conditions -

Transport & Highways
There is an existing Planning Permission that has been implemented on site, reference H11-0398-12. The new application is intended to replace this Planning Permission. The site is located off Little London which is located to the northeast of Long Sutton village centre which was previously a butterfly Park. The proposals are to construct 123 residential dwellings in a mix of 2,3 & 4 bed houses and 3 bed bungalows with allocated affordable housing. The development is served by the existing vehicular access from Little London that was previously formed to implement the extant permission. Little London is subject to a 30mph speed limit. The access will run into the site from the west serving a simple and legible internal road layout. The proposed dwellings have been positioned in a number of outwardly facing groups therefore creating positive frontages throughout the development. A footpath will be provided to one side of the internal roads with surface water filter strip to the other side except for the western most street that has a footpath either side of the road.

There is an unmarked bus stop opposite the site providing the 505L service. Personal Injury Collision Analysis showed five collisions along Little London, with one 25m from the entrance in 2019 which involved two cars colliding to miss a cat. All five were not fatal or serious. There is no pattern or common factors of these collisions indicating that there are no inherent highway safety issues along London Road. Therefore, it is concluded that the proposed development is unlikely to increase the frequency of further collisions. Transport Assessment and Travel Plan provided and are acceptable.

Drainage

The nearest surface water feature is the South Holland IDB watercourse which runs alongside the northern boundary of the site, between the site and the school. This watercourse flows east where it links up with the wider IDB network. Anglian Water records indicate no public surface water sewers in the area. As a result of the Flood Risk Assessment, the minimum FFL for the two storey dwellings on the site is to be 3.9m AOD, which is 500mm above the existing ground level of the site, and bungalows is to be 4.4m AOD, which is 1000mm above existing ground levels. The ground conditions are not considered suitable for surface water to be discharged through infiltration. It is proposed to construct under-drained filter strips to serve the adoptable highway with connections from private plot drainage to the S104 surface water sewer. The S104 surface water sewer will be 600mm diameter pipes with perforated pipes, where located in the filter strips. Following discussions with the IDB, the discharge rate shall be restricted to 5 l/s in all storm events up to and including the 100 year + 40% storm events. Attenuation basins will be created to accommodate the attenuation volumes at the eastern end of the site, along with the public open space area being set slightly lower to accommodate additional volumes. It is proposed to make a connection to the existing IDB watercourse via a new headwall. The connection and works adjacent to the South Holland IDB watercourse are subject to a land drainage consent application. Design proposal acceptable and will not increase surface water flooding.

6.8 Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust would like to register a holding objection on this application pending the inclusion of Biodiversity Net Gain, and the associated plans and surveys.

6.9 Lincolnshire Bat Group

Our involvement with this site, the former Butterfly Park, and the immediate area, goes back a long way and I refer to the previous application H11-0398-12, where a small amount of evidence of use by at least one brown long-eared bat was found in a barn on the site. Is that building still there? If so there appears to be no reference to it, with the concentration of recommendations being about trees on the site, which is of course now very overgrown. However there appears to be an error in the data search (which perhaps wasn't requested for far enough back?) which should have flagged a common pipistrelle roost in a domestic property on Little London, which backed on to the site, and was recorded continuously from 1997-2012, but for which we have no updates beyond that in Bat Group records. What was very clear from previous surveys was that the park was used extensively by foraging bats, including the 62 odd bats that emerged from the back of the house in 2012 and straight into the park, with three other species of bats recorded by the ecologists. We note that an extensive area of scrub in the centre of the site is to be cleared, so please treat this as an objection.

We would request that activity surveys are carried out this summer to establish current usage of

the site as a foraging area for the local bats, modify plans if necessary, and also recommendations be made for integral bat boxes into the new builds, based on what is found.

6.10 Natural England

NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

6.11 RSPB

No comments received

6.12 Crime Prevention Officer

Lincolnshire Police do not have any objections to this application

6.13 Lincolnshire Fire & Rescue

No comments

6.14 Tree Officer

No comments

6.15 Environmental Protection

Please provide a construction management plan

6.16 Waste

No comments received

6.17 Housing Strategy

The application outlines a commendable provision of 57 affordable units, constituting nearly 46% of the total 123 dwellings proposed. This allocation surpasses the mandated 25% affordable housing provision and aligns with the planning policy requirements for the district.

Of the 57 affordable units, 31 will be delivered through Section 106 contributions, while the remaining 26 will be additionality. The composition of these units includes 21 x 2 bed 4 person and 8 x 3 bed 5 person for affordable rent and 12 x 2 bed and 16 x 3 bed units for shared ownership.

While the government's First Homes Schemes recommend that First Homes should constitute at least 25% of all affordable housing units delivered through planning obligations, the proposed shared ownership units meet the local affordable housing needs. Considering that part of the site is contributed as additionality, and the units address the area's affordable housing demand, the proposed tenures are deemed acceptable.

Furthermore, our assessment indicates a demand in Long Sutton for one and four-bedroom properties, which are not explicitly covered in the proposed unit sizes. However, after discussions with the developer, it is understood that other developments by the same developer in the vicinity will address the demand for these specific property types.
The proposed location of the affordable properties is depicted in the attached plan and the units comply with the minimum 85% requirement of the National Design Space standards. Although a dispersed unit distribution is generally preferred, discussions with the developer indicate that the housing association overseeing the site would be amenable to having the units clustered towards the front of the site.

We are happy to support the provided affordable units as they would meet the evolving needs in the area and offer home ownership opportunities at affordable rates. We remain open to discussions regarding the requirements for affordable homes, aiming to assist developers and

their agents in navigating their applications effectively.

6.18 NHS

The contribution requested for the development is £81,180.00 (£660 x 123 dwellings). Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

6.19 CP Viability

The updated appraisal shows that the scheme can provide a reduced amount of no more than £160,000. If the applicant is willing to agree to this level of contribution our recommendation is to accept.

6.20 CPRE

No comments received

6.21 **Representations**

This application has been advertised in accordance with the Development Management Procedure Order 2015 (as amended) and has received a number of objections. These include:

6.22 Sir John Hayes

A letter of objection has been submitted which concurs with the concerns expressed by his constituents, namely the loss of wildlife habitat, flooding and drainage and a disproportionate amount of affordable housing.

6.23 Ward Member

Objections - Over development of this site, original application was considerably less density. Concerns over increased traffic on an already busy road. New Long Sutton Academy to be built adding to the traffic in this area. This site was only granted permission in the first instance due to the application allegedly being an " Exemplar application" by some, this was never the case in my opinion, the site is unsuitable for major development

6.24 Local Residents

A high volume of objections and representations have been received. The material points of which are summarised as:

-Incorrect red line boundary/doesn't show an easement
-Request that a buffer is in place between the rear garden of properties and 64 Little London
-The development would lead to congestion
-Highway Safety
-Concerns that some of the trees are protected
-Environmental issues relating to noise
-Concerned that residents access will be blocked
-Impact upon wildlife
-Flooding and Drainage issues
-Impact upon local infrastructure (drs, schools etc)
-Cumulative impacts during both construction and operation with the school being updated.
-Ecology
-Amenity
-Character of the area

7.0 CONSIDERATIONS

7.1 **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.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

7.2 The main issues and considerations in this case are (but are not limited to):

-Principle of Development
-Planning Obligations
-Highway Safety & Sustainable Transport
-Character & Landscape
-Environmental Issues & Amenity
-Ecology & BNG
-Flood Risk & Drainage
-Land Contamination
-Planning Balance

7.3 **Principle of Development**

The application site is located within the settlement limits for Long Sutton. Long Sutton is described as a Main Service Centre under SELLP Policy 1, in these areas support is given for:

Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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.

The policies maps show that the application site is considered to be a 'committed housing site' this is governed by SELLP Policy 11 'Distribution of New Housing' this policy states that Long Sutton should contribute 608 dwellings over the plan period and these *Housing numbers are inclusive of extant planning permissions (commitments) and dwellings built since April 2011 and up to 31st March 2017*.

It is therefore considered that given its location within the settlement boundary and that the site is earmarked as a 'committed site' that in planning principle terms the proposal is considered acceptable. The proposal would adhere to both SELLP 1 as well as SELLP 11.

7.4 **Planning Obligations**

SELLP Policy 6 is concerned with Developer Contributions. It states that *Developments of 11 or more dwellings, or which have a combined gross floorspace of more than 1,000 sqm, or non-residential development of 1,000sqm gross floorspace or more will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms. The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy.* In this instance the applicant is providing an affordable scheme on site (57 of the total number of dwellings.

Both the NHS and LCC in terms of Education have requested commuted sums. Highways have also required a commuted sum for site specific improvements around the access. The requirements set out for health and education facilities are located within annexe 8 & 9 of the local plan respectively.

7.5 *Viability*

SELLP Policy 6 also considers viability. It states that *Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure and services required by the development, either alone or cumulatively with other developments. Contributions will be determined having regard to:*

· the identified needs generated by the proposed development;
· the viability of the proposed development; and
· the priorities attached to meeting individual local and strategic infrastructure and service requirements.

NPPF paragraph 59 is also relevant, when considering viability. It states that *Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs, and should be made publicly available.*

Subsequently the applicant has provided a viability statement and follow on information. This was sent out to an independent viability assessor who concluded that the scheme is capable of paying £160,000.00 on top of providing the onsite affordable units. This has been agreed to be broken down into the following terms:

Education:	£152,296.54
NHS:	£7,254.73
Highways:	£446.83

7.6 The obligations are considered necessary to make the scheme acceptable in planning terms and therefore accord with the legal requirements associated with planning gain set out within the CIL regulations.

7.7 **Affordable Housing**

SELLP Policy 18 is concerned with affordable housing. It states that *In South Holland about 282 new affordable dwellings per annum, equating to about 60% of the overall annual housing need* AND *The affordable housing need will be sought on:*

1. market housing sites of 11 or more dwellings (or residential developments with an internal floor area of 1,000sqm or more with a South East Lincolnshire Local Plan 2011-36 requirement of:
i. about 20% being affordable housing on sites in Boston Borough; and
ii. about 25% being affordable housing on sites in South Holland;

7.8 The proposed development will provide 57 new affordable homes on the site which represents around 46% of the scheme. The applicant has provided an 'affordable housing statement. Within which they state that the proposed housing mix has been prepared through dialogue with a local affordable housing provider. The proposed development will provide the following housing mix;

12no. 2 bed Shared Ownership dwellings
16no. 3 bed Shared Ownership dwellings
21no. 2 bed Affordable Rental dwellings
8no. 3 bed Affordable Rental dwellings

The SHDC housing support team have stated that *The application outlines a commendable provision of 57 affordable units, constituting nearly 46% of the total 123 dwellings proposed. This allocation surpasses the mandated 25% affordable housing provision and aligns with the planning policy requirements for the district. Of the 57 affordable units, 31 will be delivered through Section 106 contributions, while the remaining 26 will be additional. The composition of these units includes 21 x 2 bed 4 person and 8 x 3 bed 5 person for affordable rent and 12 x 2 bed and 16 x 3 bed units for shared ownership.*

Despite the comments on S106 the viability is based upon the provision of 57 affordable units and therefore all of these units will need to be secured through S106 and provided on site. A more pertinent topic is the amalgamation of these units all close to one another, when best practice is to 'pepper pot' affordable units throughout the scheme. On this topic the housing strategy officer states:

The proposed location of the affordable properties is depicted in the attached plan and the units comply with the minimum 85% requirement of the National Design Space standards. Although a dispersed unit distribution is generally preferred, discussions with the developer indicate that the housing association overseeing the site would be amenable to having the units clustered towards the front of the site.

Therefore on this basis both the number of units proposed as well as their location (in close proximity) is considered acceptable.

7.9 Public Open Space

SELLP Policy 32 is concerned with Community, Health and Well-being it states that *Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being*. The policy sets out that recreation open space shall provided subject to a list of standards.

The proposal shown on plan that open space is allocated both to the centre of the application site as well as to the eastern end of the site (where an existing orchard is located). It is considered that the space provided which also includes a children's play area (to the south of plot 61) would meet with these requirements. These will be secured through conditions and legal agreement.

7.10 **Highway Safety & Sustainable Transport**

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. It 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 would be severe.

The proposal is to provide 123 dwellings all served from one access point on Little London. There is an access already in this location though it is unused, this access was installed to implement a previous planning permission.

The Highway Authority have made comments stating they consider that the proposal site would not result in severe impact with regard the NPPF and therefore they do not object upon highway safety grounds. The officer also makes the following comments:

The access will run into the site from the west serving a simple and legible internal road layout. The proposed dwellings have been positioned in a number of outwardly facing groups therefore creating positive frontages throughout the development. A footpath will be provided to one side of the internal roads with surface water filter strip to the other side except for the western most street that has a footpath either side of the road. There is an unmarked bus stop opposite the site providing the 505L service. Personal Injury Collision Analysis showed five collisions along Little London, with one 25m from the entrance in 2019 which involved two cars colliding to miss a cat. All five were not fatal or serious. There is no pattern or common factors of these collisions indicating that there are no inherent highway safety issues along London Road. Therefore, it is concluded that the proposed development is unlikely to increase the frequency of further collisions. Transport Assessment and Travel Plan provided and are acceptable.

A number of planning conditions have been proposed by the highway authority that would mitigate impacts both during construction as well as the operational phase. The adoption of roads would be subject to further external assessment and a site specific obligation has also been sought, as regards the future monitoring of the required travel plan.

It is therefore considered that subject to obligations, the road adoption process and planning conditions that the proposal would accord with SELLP Policies 2, 3 and 36 as well as section 9 of the National Planning Policy Framework, December 2024.

7.11 **Character & Landscape**

Policy 2 of the SELLP states 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.
Policy 2 point 1 states that proposals should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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".

The proposal would clearly have a broad character impact over the existing scenario, given that the site is verdant at present. However weight should be given to the fact that this is a committed housing site, with an extant permission to erect 87 dwellings (ref: H11-0398-12) exists.

The layout proposes a density of around 20 dph and whilst this is an increase over the extant permission it is considered appropriate for an urban location (Long Sutton is considered to be a Main service Centre). Notwithstanding the access and the dwellings fronting it the majority of the scheme is set back from Little London and would be screened by frontage properties. Of the two dwellings which are located on the access, one fronts Little London and one presents a side elevation, this elevation however (which is the house type 'hornbeam) does present a gable with heavy fenestration, allowing for engagement with the street.

The overall design attempts to promote a scheme that has active frontages, with nearly all dwellings fronting the proposed adopted highways, this would result in the creation of well defined streets and is a strong identity within the design.

The palate of materials which are proposed are considered appropriate, however given the scale of the scheme and the likely impact upon the character of the area it is necessary to preserve the full schedule through planning condition.

Whilst the scheme is far removed from the extant permission, that was garden city esque with its radial residential layout, which substantial weight was afforded to under that approval. This scheme whilst not attaining such design standards is considered to be acceptable in design terms, and one that would not be out of keeping with the area especially given the broad housing mix along Little London and within Long Sutton in general.

On this basis it is considered that the proposal would accord with SELLP Policies 2 and 3.

7.12 **Environmental Issues & Amenity**

SELLP Policy 2 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important considerations when considering proposals for planning.

The scheme is likely to result in a high level of disturbance for existing residents both during the construction and operation phases. During the construction phase the movement of plant and other associated vehicles as well as construction working practices are likely to result in noise and disturbance. Weight needs to be given to the fact that a scheme for 87 dwellings is extant and could come forward without the need for planning permission. On this basis conditions relating to construction management plan and a construction environment plan along with restriction of hours would allow for these impacts to be mitigated to a sufficient level.

In terms of the operation phase the most likely environmental impact upon the existing residents would be through traffic movement. Many, if not all objectors state this as a primary concern. Again, however weight does need to be attributed to the developer's ability to erect 87 dwellings under the extant permission. In this regard a travel plan is to be conditioned, and this will offer some respite from the likely high numbers of additional vehicles using Little London.

On other matters relating to amenity, the proposed development retains a sufficient separation distance not to give rise to unacceptable amenity impacts upon existing properties. Furthermore, the proposed scheme is arranged in such a way that a high level of amenity would be granted to future residents. Sufficient external amenity areas, wider recreational space and internal space standard being met, this scheme would result in giving an acceptable quality of life for future residents. On this basis the proposal is considered acceptable, subject to the aforementioned mitigation, according with SELLP policies 2, 3 and 30.

7.13 **Ecology & BNG**

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

Protected Species

The applicant has submitted a preliminary ecological appraisal (updated 2023) by Archer Ecology Limited. In discussing the impact to habitats and biodiversity the report discusses the following protected species:

-Amphibians
-Reptiles
-Birds
-Bats

In discussing each of these species the ecology report makes recommendations. Of the above listed species precautionary recommendations with the preliminary ecological appraisal have been made, this document and its recommendations should be adhered to in the event of a permission being granted and would be conditioned, in that manner.

In terms of bats the report makes suggestions that would ensure a precautionary approach is taken. These include further survey work should the felling of the 'cracked willow' tree occur. If bats are found, it is likely that the applicant will need to apply for EPS licence. Given that the erection of these dwellings, along with the planning gain captured this development is likely the broader interest of the public (wider district) and if there is no alterative to the removal of this tree then, or should bats be found present or elsewhere within the site, this would be a consideration as part of the EPS licnecining process. Given that there is an extant permission for this site to be developed, then this would have implications for sourcing satisfactory alternatives, the applicant would also be subject to the favorable conservation status test.

Lastly in terms of reptiles, amphibians and birds precautionary measures are again suggested. Any permission granted should therefore be explicitly linked to the recommendations set out within the PEA. Given also that ere is potential conflict with the location of the attenuation pond a condition controlling the drainage strategy and its method for implementation will be recommended (despite the proposed block plan), this is in part to ensure that the development can mitigate any potential harm to existing badger setts.

The report goes on to conclude that, *The Priority Habitat 'Traditional Orchards' occurs within the eastern portion of the application site. This habitat is listed as per the requirements of Section 41 of the NERC Act (2006), wherein it is considered to be of principle importance for the conservation of biodiversity in England. It is understood that the development proposals intend to fully retain and enhance this Priority Habitat during the construction and operational phases. Given the close proximity properties to the orchard, there is a potential for the development proposals to encroach into the Root Protection Areas (RPAs) of orchard trees in absence of mitigation.*AND

Aside from the orchard, the ecological walkover did not identify any other habitats of significant value to nature conservation (on a county, regional or national scale) within the footprint of the works. Dense scrub, neutral grassland, scattered trees and woodland located across the site were appraised as having 'moderate' nature conservation value on a site/local scale. All other

habitats identified were appraised as having either 'negligible' or 'low' nature conservation value on a site scale only.

The applicant shows that the strategy is to retain the Orchard and therefore conditions showing how this area will be protected during construction will be attached, this includes working in proximity and lighting so as not to impede the trees and protected species that may use them. Given this area is protected and utilised for future recreational purposes is both appropriate and acceptable.

Any permission is not only subject to conditionality applied to the decision but also the plethora of legislation that protects such species.

7.14 *Bio Diversity Net Gain*

Given that the site has an extant permission and the time when the application was first submit means that this scheme is not subject to mandatory net gain. However there still remains a policy requirement (SELLP Policy 28 and NPPF) for a net gain to be achieved.

Notwithstanding the fact that a baseline metric has not been submitted it is clear that given the loss of planting, shrub and grassland that there would be a marked loss of on site BNG. The applicant has set out the position in a statement:

i. protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats; Retained existing orchard and extended the rough grassland to ensure the protection of the existing plant and animal life. Existing mature trees retained where possible to the proposed POS. This is a betterment over the extant planning approval.

ii. maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance. This has resulted in a wider tract of retained, undeveloped land to the north-eastern boundary, greater than the extant permission.

iii. incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and the recommendations set out in the submitted PEA will be implemented including the installation of bird and bat nesting features to the proposed dwellings. It is suggested that this could be secured by condition. Existing ecological corridors and green infrastructure is retained as discussed above.

iv. conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA. The development is not in a NIA, retains existing habitat and new surface water attenuation features will provide an enhancement to existing habitat.

Essentially the argument is that given an extant permission can be built on site, the loss of this area of land is already allowed in planning terms. This scheme it is suggested would represent betterment over that extant scheme in BNG and ecology terms due to the mechanisms outlined above. The fall back is material to the assessment, and it is likely that the extant permission would result in an overall loss of BNG on site. That said whether or not these two schemes are directly comparable is another question, given the climate change benefits of the extant permission, its lower density and that strategic policy on BNG net gain (both nationally and locally) has gathered pace since the extant permission was approved, essentially changing the policy landscape on that topic.

Notwithstanding this, whilst weight should be given to the extant scheme there is still a clear loss in on site BNG, one that would not be policy compliant. Whilst through both condition and legislation the impact to protect species may be acceptable the large loss of on site BNG is contrary to both national and local policy. The amount of weight to give to this matter is for the decision maker. On this basis it is considered that the proposal would be contrary to SELLP Policy 28 due to the loss/deficit of BNG.

7.15 **Flood Risk & Drainage**

SELLP Policy 4 sets out the districts approach to flood risk, it states 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, where:

The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change

The application site benefits from an extant residential planning permission and is allocated within the policies map as a 'committed housing site'. On this basis the principle of flood risk has already been established as acceptable and there is no requirement to carry out the sequential or exceptions tests.

Floor Levels

The Environment Agency have made comment, stating that they have no objections to the development. However, they consider that given the flood environment that conditions should be applied that finished floor levels are set no lower than 1m above ground level and that all single storey dwellings shall be situated outside of areas within the flood depth band of 1-1.6 metre for the 2115 0.1% flood event. This will be attached as conditionality to any permission.

7.16 *Drainage*

It is proposed to make a connection to the existing IDB watercourse via a new headwall. The connection and works adjacent to the South Holland IDB watercourse are subject to a land drainage consent application. The ground conditions are not considered suitable for surface water to be discharged through infiltration. It is proposed to construct under-drained filter strips to serve the adoptable highway with connections from private plot drainage to the S104 surface water sewer. The S104 surface water sewer will be 600mm diameter pipes with perforated pipes, where located in the filter strips. Following discussions between the LLFA and the IDB, (that SHDC have not been privy to) the discharge rate shall be restricted to 5 l/s in all storm events up to and including the 100 year + 40% storm events. Attenuation basins will be created to accommodate the attenuation volumes at the eastern end of the site, along with the public open space area being set slightly lower to accommodate additional volumes.

This drainage strategy is considered acceptable by the LLFA in so far as it is demonstrated that a successful one can be achieved, however given the proximity of the attenuation pond to the ecology buffer, this may need further justification or some altering. Regardless this can be mitigated through planning condition and the requirement for both surface water and foul water disposal to be submitted and agreed in writing

7.17 On this basis the proposal is considered, subject to the aforementioned mitigation to adhere to the broader aims of SELLP 4.

7.18 **Land Contamination**

SELLP Policy 30 is concerned with pollution, it states that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon land quality and condition;.

The applicant has provided both a phase 1 desk top study as well as a phase 2 ground investigation report. Given the scale of the proposal and that the end use would result in a large number of sensitive receptors living on site. Therefore, it is necessary to ensure that the scheme is mitigated, there will be a requirement to secure the full suite of related land contamination information through condition. This includes remediation, and following, verification.

On this basis, and given the applied mitigation the proposal would meet with SELLP Policy 30 as regards land contamination.

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 application site is located within the defined boundary of Long Sutton and allocated as a

committed housing site within the plan. On this basis the proposal is considered to align with the overarching spatial strategy and considered acceptable in principle.

The proposal seeks a high number of affordable units on site (circa 46%) and they are amalgamated towards the south east of the site, whilst this is not best practice the housing strategy team have confirmed that this is acceptable as the registered provider would be 'amenable' to such a scenario. Viability has been demonstrated and so obligations for health care, education and site-specific highways improvement have been proportionally reduced.

The proposal would also result in a net loss of on-site BNG. This is contrary to both national and local policy. The applicant maintains that as an extant permission can be achieved on site, representing a similar if not greater loss (this cannot be confirmed given the omission to provide a baseline metric) then the loss can be achieved anyway, to which material weigh should be given. In this assessment weight has been given to the ability to bring forward an extant scheme and so on balance it is recommended that whilst the loss of BNG is not policy compliant the presence of the fall back suggests, that in this instance, this approach may be acceptable. However this matter of weight to apply to the fall-back on this topic should be considered by the planning committee.

There are also likely to be amenity impacts through noise and disturbance upon local residents, during both the construction and operational stage. The construction stage will be further exacerbated by the regeneration of Long Sutton University Campus. Whilst construction effects are temporary the operational impacts are intensified over the extant permission due to the uplift in housing. Given Highways comments the officer assessment is that this impact, whilst substantial is acceptable, though this impact should also be be given consideration by members in their assessment.

Lastly whilst there is a considerable uplift in numbers over the approved scheme, and a drop off in overall design merit, the scheme is considered to be acceptable in character terms given the existing mix of dwellings that are located within the area.

On this basis, then a balanced assessment has been made that recommends approval of this planning application subject to conditions, despite the loss of BNG and the amalgamation of affordable dwellings.

7.19 **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.

8.0 RECOMMENDATIONS

8.1 The recommendation is to grant the permission subject to Section 106 agreement being entered into and signed by all parties as well as the attachment of planning conditions listed below.

8.2 Heads of Terms for S106

Education: £152,296.54
NHS: £7,254.73
Highways: £446.83
On site affordable also secured within S106
On site Public Open Space

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

LDC3963-PL-02_B Landscaping & Boundary Treatments
ldc-3963-PL-03F Proposed Site Plan
LDC3963-AP-01H Affordable housing tenure plan
Location Plan
LDC3963-PL-04C The Sycamore
LDC3963-PL-05C The Maple
LDC3963-PL-06F The Juniper
LDC3963-PL-07C The Tulip
LDC3963-PL-08C The Yew
LDC3963-PL-09C The Cherry
LDC3963-PL-10C The Cherry
LDC3963-PL-11C The Fir
LDC3963-PL-12B The Hornbeam
LDC3963-PL-13C The Cedar
LDC3963-PL-14C The Holly
LDC3963-PL-15D The Yew
LDC3963-PL-16C The Blackthorn
LDC3963-PL-17C The Elder
LDC3963-PL-18C The Hazel
RHC-24-015-TA Transport Assessment
RHC-24-015-TP Travel Plan
12599-WMS-ZZ-XX-T-C-39301-S8-P2 Flood Risk Assessment

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

· the phasing of the development to include access construction;
· the on-site parking of all vehicles of site operatives and visitors;
· the on-site loading and unloading of all plant and materials;
· the on-site storage of all plant and materials used in constructing the development;
· wheel washing facilities;
· the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
· strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.
-Details of the location and illuminance levels of all lighting used during construction

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

4. The development hereby permitted shall not be occupied before a 2.0-metre-wide footway with uncontrolled crossing point with tactile, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

5. No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of upgrading uncontrolled pedestrian crossing points to include tactile paving and dropped kerbs where necessary at the junction of Back Lane with Little London, the junction of Daniel's Crescent with Little London and, the junction of Daniel's Gate with Park Road have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

6. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

7. The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

8. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

9. The permitted development shall be undertaken in accordance with a surface water and foul water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

· be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
· provide flood exceedance routing for storm event greater than 1 in 100 year;
· provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100-year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
· provide attenuation details and discharge rates, meeting with IDB contesting;
· provide details of the timetable for and any phasing of implementation for the drainage scheme; and
· provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory

Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

10. The development shall be carried out in accordance with the submitted flood risk assessment dated 10 April 2024, ref: '12599-WMS-ZZ-XX-T-C-39301-S8-P2', prepared by William Saunders and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 1.0 metre above ground level with 300mm of flood resilient construction above the predicted flood level

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: 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.

11. All single-storey dwellings shall be situated outside of areas within the flood depth band of 1-1.6 metre for the 2115 0.1% flood event, as shown on drawing ref: 'ldc-3963-PL-03E'.

Reason: 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.

12. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. 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 30 of the South East Lincolnshire Local Plan, 2019.

13. Before the commencement of the development hereby permitted beyond oversite, 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 shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

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.

14. 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, and 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.

15. An equipped children's play area shall be provided within the site. The timing of the implementation, location, detailed design, layout, specification of the equipment, and the management and maintenance regime of the play area, shall be submitted to and approved in writing by the Local Planning Authority.

The play area shall be provided in accordance with the details so approved, and thereafter so maintained.

Reason: To ensure that adequate play provision is made for the occupiers of the development hereby permitted and that the facility is adequately managed and maintained.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

16. Prior to the commencement of any development beyond oversite, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority.

The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

17. Prior to the commencement of any development hereby permitted beyond oversite, a management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority.

The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

18. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

19. The retained Orchard and trees are shown on dwg. no. LDC3963-PL-02_B to be retained on site they shall be protected during construction work as follows:

i)chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii)no services shall be routed under the spread of the crowns of the trees to be retained;
iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v)if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, December 2024.

20. The development hereby approved shall be carried out in complete accordance with the recommendations contained within the Preliminary Ecological Appraisal by Archer Ecology, dated October 2023.

Reason: In the interests of protected species
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, December 2024

21. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

22. **Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of 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 guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

The application was submit prior to BNG becoming madatory

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite

habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

23. The applicant is reminded that it is an offence under the Wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

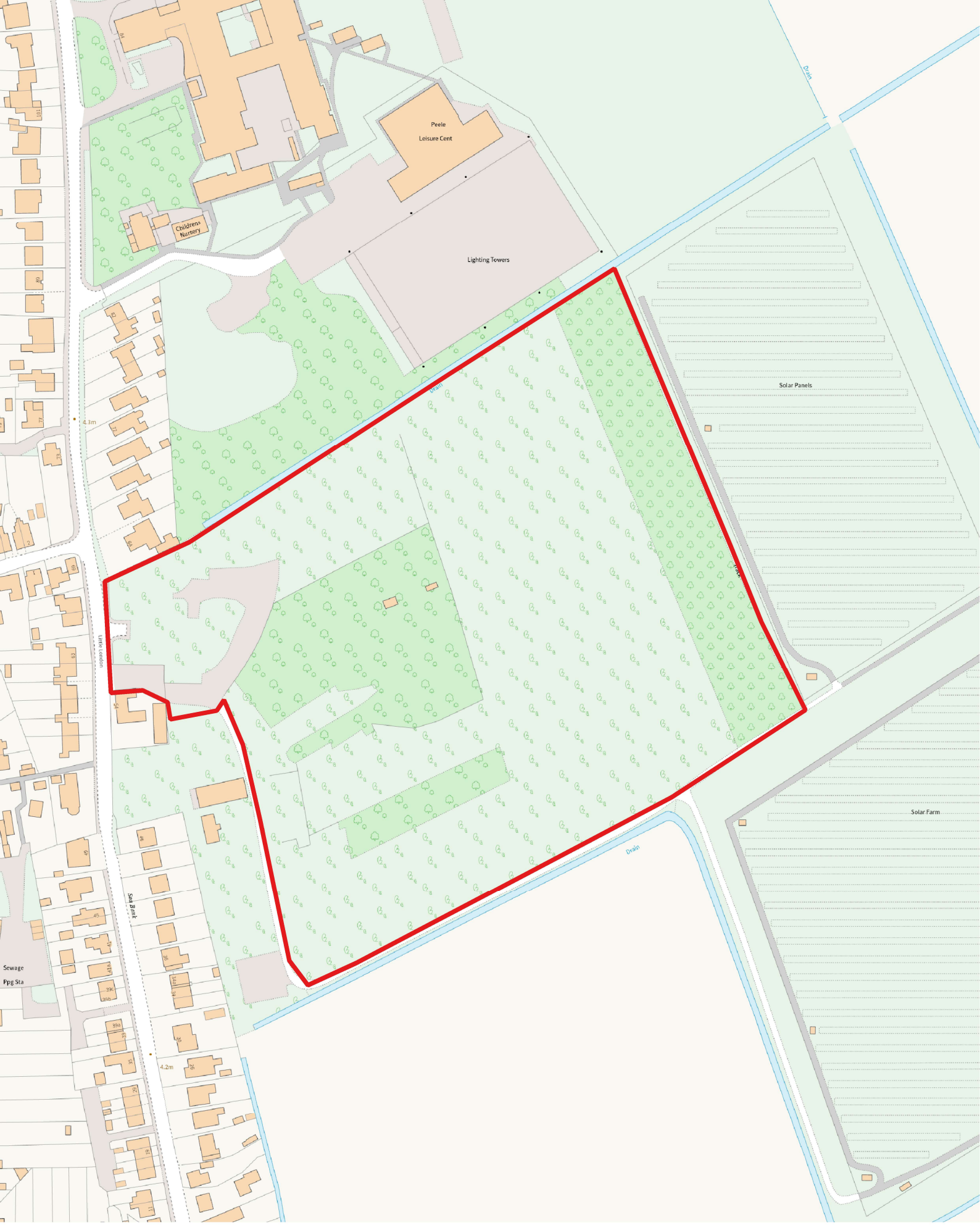
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Mark Simmonds , Lead Development Management Planner (Interim) - BBC & SHDC
Telephone Number:	01775 764444
Email	mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A



SOUTH HOLLAND DISTRICT COUNCIL

MAP SCALE 1:1250
CREATED DATE: 19/03/25
PHOTOGRAPHIC COPY
LIABLE TO DISTORTION
IN SCALE

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