

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0170-26 **Applicant:** Mr S Butler

Proposal: Details of biodiversity gain plan and boundary treatments (BNG condition and Condition 4 of H12-0930-24)

Location: Adj. Sunindale Marriots Gate Lutton

Terminal Date: 20th April 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge the automatically applied Biodiversity Net Gain (BNG) condition and condition 4 of permission H12-0930-24, which granted full planning permission for a dwelling and detached garage.

Initially, the application did not seek to discharge condition 4; however, the agent asked for this condition to be added to the submission on 06 March 2026. In this instance, as this would not require any additional consultation, it was agreed that condition 4 could be added to the submission.

Site Description

The application site comprises land to the south and east of Sunindale, Lutton. The site is located on the southern edge of the village. The front portion of the site is within the settlement boundary;

however, the rear portion is outside the settlement boundary.

Relevant Planning History

H12-0930-24: (Full Application) Proposed dwelling and detached garage - approved 23 December 2024

Consultation

Ecology Officer: We are satisfied that the off-site unit information summarized in the Biodiversity Gain Plan is consistent with the statutory metric calculations for this site. We are confident that the appropriate units have been secured offsite to achieve 10% biodiversity net gain for this site and therefore we support the discharge of the BNG condition relating to H12-0930-24.

Key Planning Considerations

It was established during the determination of application H12-0930-24 that the proposal needed to provide a net gain in biodiversity. As such, the BNG condition was automatically applied to the permission.

The current application is accompanied by a BNG metric calculation, a biodiversity gain plan and a BNG assessment. The local planning authority's ecology officer has set out that the information is acceptable and the off-site unit information is consistent with the metric calculations. The appropriate units have been secured and as such, this condition can be discharged.

Condition 4 is worded as follows:

"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."

The application is accompanied by a plan which sets out the proposed boundary treatments. The existing boundary treatments will be retained along the eastern, southern and western boundaries. A 1.8m high timber fence is proposed along the northern boundary which adjoins Sunindale. Towards the front of the site, the fencing is proposed to reduce in height down to 1.2m. The hedgerow along the southern boundary is proposed to be retained and two new hedgerows are proposed near the front of the dwelling. The boundary treatments and hedgerows are considered to be acceptable and as such, condition 4 can be discharged.

Additional Considerations

Public Sector Equality Duty

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

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

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

other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

Conclusion

The details address the requirements of the BNG condition and condition 4 of permission H12-0930-24.

Recommendation

Discharge the automatically applied BNG condition and condition 4.