

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0173-26 **Applicant:** Tarncourt Developments Ltd

Proposal: Details of biodiversity gain plan, flood warning and evacuation plan (Conditions 7 and 10 of H16-0079-25)

Location: Land To The Southwest Of The A151 & A16 Fulney Lane North Spalding

Terminal Date: 20th April 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
04 Approach to Flood Risk
28 The Natural Environment

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 7 and 10 of permission H16-0079-25.

Full planning permission was granted under application H16-0079-25 for the erection of two drive-through units within the site with associated parking and landscaping. Condition 7 requires details of a biodiversity gain plan and condition 10 requires details of a flood warning and evacuation plan.

Site Description

The site comprises an irregularly shaped parcel of land, located to the west of the A16 and the south of the A151. The site is located to the south of a tyre shop, and to the north of a factory building (David Wood Baking). The nearest residential dwellings to the site are located to the west of the site, on the opposite site of Fulney Lane North.

The site is outside the settlement boundary of Spalding, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The nearest part of the settlement boundary to the site is located on the opposite side of the Coronation Channel, approximately 150m to the west of the site. There are large areas of development outside the settlement boundary on the eastern side of Spalding. Most of the areas are designated within the Local Plan for development, including the application site, which is identified as an 'Established Employment Area' (Site SP003) by Policy 7 of the Local Plan.

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

There is a Public Right of Way that runs through the site, along the northern and eastern edges of the site.

Relevant Planning History

H16-1220-01: (Full Application) Extension to existing factory to create engineers workshop - approved 23 November 2001

H16-0730-09: (Full Application) New entrance reception/security lobby including improvements - approved 03 November 2009

H16-1185-18: (Full Application) Erection of a single storey drive thru restaurant for KFC with associated car parking, cycle parking, landscaping and access - approved 23 January 2019

H16-0630-19: (Full Application) Erection of a single-storey drive thru restaurant for coffee shop with associated car parking, cycle parking, landscaping and access - approved 21 August 2019

H16-0079-25: (Full Application) Erection of two single storey drive thru units with associated car parking, cycle parking, landscaping and access - approved 08 August 2025

H16-0207-26: (Discharge of Conditions) Details of construction management (Condition 3 of H16-0079-25) - pending determination

H16-0183-26: (Advertisement Consent) Proposed Signage - pending determination

H16-0235-26: (Discharge of Conditions) Details of surface water disposal (Condition 12 of H16-0079-25) - pending determination

Consultation

Environment Agency: Although we did recommend that an appropriate FWEP be submitted and approved by your Authority, we did not recommend the conditions referred to application H16-0079-25 and therefore have no comment to make on this application.

Ecology Officer: We require the gain site reference code confusion between the BG plan and metric to be fixed pre commencement. We also require the application to be recognised on the Biodiversity gain Sites register before we can fully support this condition discharge. We have some additions to be made to the HMMP before we can fully support the discharge of condition 7 of H16-0079-25.

We are happy that the details provided within the BG plan are consistent with the BNG calculations from the finalized metric. However, the BG Plan has a different gain site reference code to the one stated within the finalized metric. This error should be addressed before we can confidently support this BNG discharge. Currently, the gain site register does not list this application within the unit

allocation for the relevant gain site(s), which we would ideally wish to see before we can fully support the discharge of this condition.

HMMP Comments:

-We have a couple of additions to be included into the HMMP regarding monitoring reports. Once these amendments have been made we will fully support the discharge of condition 7 of H16-0079-25.

-We request that specific wording be inserted into the HMMP to trigger the start of the 30 year BNG clock, e.g., "habitat creation and enhancement works in accordance with the Habitat Management and Monitoring Plan will be completed no later than 12 months after the completion of development work."

-We request that specific wording be inserted into the HMMP to ensure correct information is included in the monitoring reports:

-The monitoring reports as referenced below shall contain as a minimum:

- 1) a summary of management actions taken over the previous monitoring period and their timing;
- 2) a summary of problems encountered in meeting management objectives and any mediation actions taken or planned to address problems;
- 3) A current UK habitat condition assessment for each post-development habitat accompanied by the following supporting evidence:
 - i) species composition and % cover quadrat data for grassland habitats following sampling methods of the National Vegetation Classification or similar (NVC; Rodwell 1992*);
 - ii) species composition of hedgerow and woodland habitat; and iii) representative photographs of each habitat parcel.

Key Planning Considerations

Condition 7 set out the following:

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

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

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

As set out previously, the local planning authority's ecology officer reviewed the submitted information and requested minor updates to the submitted documents. These updates have been made, and it was not considered necessary to re-consult the ecology officer as the updates were clearly made within the submitted documents. As such, condition 7 can be discharged.

Condition 10 set out the following:

"Prior to the first use of the development, a detailed flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority, to ensure that the users can be kept safe should breach occur. The approved flood warning and evacuation plan shall be available and implemented at all times for the lifetime of the development.

Reason: To ensure that the development does not result in risk of flooding that would cause harm. This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024."

The application is accompanied by a flood evacuation plan. The plan sets out that a designated Flood Warden should be appointed to monitor flood warning services and coordinate evacuation procedures. The plan sets out that all building occupants may remain indoors while a flood alert is active; however, if floodwaters become visible then an evacuation should commence immediately using the designated evacuation route. The plan sets out a potential evacuation route to the nearest land within Flood Zone 1, which is within Weston and Moulton. It is considered that the information is satisfactory and condition 10 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 conditions 7 and 10 of permission H16-0079-25.

Recommendation

Discharge conditions 7 and 10.