DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-0031-25**	**Applicant:**	**Mr C Willcoxson**
Proposal:	Residential Development - Erection of House		
Location:	Adj. Rose Cottage South Eau Bank Throckenholt		
Terminal Date:	29th August 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission (all matters reserved) for one dwelling on land adjacent to Rose Cottage, South Eau Bank, Throckenholt.

Site Description

The site comprises land which is to the north of South Eau Bank, located in Throckenholt. The site comprises an infill plot located between Eden, which is a residential property located to the east of the site, and Rose Cottage, which is located to the west. The site slopes downwards from the road frontage on South Eau Bank.

The site is located within the settlement boundary of Throckenholt, as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

Relevant Planning History

H19-0415-19: (Outline Application) Erection of two houses - approved 12 June 2019

H19-0196-21: (Reserved Matters Application) Erection of two storey 3 bed dwelling - outline approval H19-0415-19 - approved 11 May 2021

H19-1265-21: (Outline Application) Residential Development - Erection of House - approved 01 February 2022

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Environmental Protection: No comments.

Lincolnshire County Council - Highways and SUDS: No objections. The principle of development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach. Highways informatives are recommended.

Historic Environment Officer: It is noted that the applicant has not provided an assessment of the historic environment potential of the site, as outlined in the NPPF (paragraph 207). The proposed development is located in an area of Roman archaeological potential. The proposed development

groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. There is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). This office has commented on the earlier outline planning application (H19-0415-19), and we would like to reiterate our previous advice. We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of archaeological mitigation work including, but not limited to a continuous archaeological monitoring (watching brief) to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

North Level Internal Drainage Board: No objections. The Board's South Eau Bank Drain runs along the northern boundary, as detailed on the plans, therefore the Board's Byelaws apply. Byelaw Number 10 is particularly relevant.

Sutton St Edmund Parish Council: No response received.

Cllr L J Eldridge: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

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

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local

need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement boundary of Throckenholt which is identified within the category 'Other Service Centres and Settlements'. Policy 1 sets out that within this type of settlement, development will normally be limited to Committed sites and infill. As the proposal is for a minor residential development, the scale of the development is acceptable in principle. Furthermore, approval has previously been granted for residential development within the site under permissions H19-0415-19, H19-0196-21, and H19-1265-21. These permissions form a material consideration in the determination of the current application.

Whilst the principle of development is acceptable, it is also necessary to assess the proposed development against other relevant material considerations, as assessed below.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The site comprises an infill plot located between Eden, which is a residential property located to the east of the site, and Rose Cottage, which is located to the west. The nearest dwellings are a mixture if housing types and sizes, and their positioning within their plots also varies. An indicative site layout plan has been provided and although all matters are reserved, it is considered that a suitable design can be accommodated.

The site slopes downwards from the site frontage towards the rear. This is similar to neighbouring plots. It will therefore be necessary for any subsequent reserved matters to clarify the existing and proposed site levels to ensure the visual and amenity impact of the dwelling is acceptable.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

The site is located between residential dwellings and as such, the scale and siting of the dwelling will need to be considered when the detailed design is progressed as part of any subsequent reserved matters application. The positioning of windows on the dwelling will also need to be carefully considered to ensure the proposal does not result in an unacceptable degree of overlooking. It is however considered that the site has the capacity to accommodate a design that would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

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

Lincolnshire County Council's highways team have not raised any objections to the development at this stage. Highways informatives are recommended and as such these will be included with any favourable decision notice. At this stage, it is considered that the site has the capacity to accommodate a design which would have an acceptable impact in terms of highway safety in order to accord with Policies 2, 3 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Archaeological and Heritage Impact

Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 207 sets out that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 207 further sets out that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy 29 of the Local Plan sets out that distinctive elements of the historic environment will be conserved and, where appropriate enhanced. Part C.1 of Policy 29 sets out that proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.

The site is not located within a Conservation Area and there are no listed buildings on or next to the site. However, Lincolnshire County Council's historic environment team have set out that the site is located in an area of archaeological potential. The Historic Environment Record (HER) identifies that the site is adjacent to several heritage assets. The historic environment team consider that the groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. Paragraph 218 of the NPPF sets out that development should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or partially) in a manner which is proportionate to their importance. The historic environment team have therefore recommended conditions AR01, 02 and 03 which require the submission of a written scheme of investigation to be submitted and agreed and for the site to be investigated for archaeological potential. These conditions have been agreed with the applicant.

The historic environment team have therefore recommended conditions to secure the investigation and recording of any potential archaeological remains within the site. The applicant's agent has agreed to these conditions. Therefore, with the inclusion of these conditions the proposed development accords with the aims of Policy 29 of the Local Plan and section 16 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the

onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to 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.

The application is accompanied by a BNG exemption statement setting out that as the proposed dwelling is a self-build / custom build dwelling, the development is exempt from the requirement to provide BNG. The local authority agrees with this given that the proposal is in outline form only and that the proposed design can therefore be bespoke for the site, when finalised at the reserved matters stage. As such, the development is exempt from the requirement to provide BNG. A unilateral undertaken agreement has been prepared to ensure the proposal is for a self-build / custom dwelling.

Flood Risk

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

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

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. In this case, the site is not identified within hazard area and as such, no specific mitigation is recommended by the SFRA.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests.

Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area.

The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. Therefore, it is considered that the sequential test is passed.

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

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The application is accompanied by a Flood Risk Assessment (FRA), however the FRA lacks detail. The FRA sets out that the finished floor level of the dwelling should be set at 300mm. It is presumed that this means that the levels will be 300mm above the existing ground levels. As the site is not

within a hazard area as identified by the SFRA, specific flood risk mitigation is not necessary in this case, however, the proposed finished floor levels are considered to be suitable and it is considered appropriate to include a condition requiring compliance with these measures. Therefore, it is considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposed development is an appropriate form of development within a defined settlement boundary. The proposed development would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety, archaeology, biodiversity and flood risk particularly through the inclusion of relevant planning conditions. Therefore, the proposed development accords with the Local Plan and the NPPF.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 28, 29, 30 and 36 of the Local Plan, as well as Sections 5, 9, 11, 12, 14 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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