

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 08 January 2025

(Author: Catherine Sutton - Planning Officer)

Purpose: To consider Planning Application H22-0801-24

Application Number: H22-0801-24

Date Received: 20 September 2024

Application Type: RESERVED MATTERS

Description: Residential Development - Erection of 2 Dwellings - Outline Approval H22-1070-23

Location: Off High Road Weston Spalding

Applicant: Highgrove Homes (Spalding) Ltd

Agent: Seven22 Architecture Ltd

Ward: Cowbit, Weston and Moulton

Ward Councillors: Cllr T E Sneath
Cllr A Casson
Cllr A R Woolf

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H22-0801-24>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 A trustee of the Weston Consolidated Charity is a Local Councillor.

2.0 PROPOSAL

2.1 The application seeks approval for the reserved matters, pursuant to outline planning approval H22-1070-23, compromising the erection of two detached bungalows.

2.2 Outline permission H22-1070-24 granted consent for up to two dwellings.

2.3 Access was considered and approved at the Outline stage and as such the current application seeks consent for the scale, landscaping, layout and appearance of the development.

3.0 SITE DESCRIPTION

3.1 The application site is currently grass land located to the northern side of High Road in Weston. Neighbouring dwellings are located to the east, south and west, with open land to the north.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

4.3 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) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.4 01 - Spatial Strategy
02 - Development Management
03 - Design of New Development
04 - Approach to Flood Risk
10 - Meeting Assessed Housing Requirements
11 - Distribution of New Housing
17 - Providing a Mix of Housing
28 - The Natural Environment
29 - The Historic Environment
36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

4.5 **National Policy**

4.6 **National Planning Policy Framework (NPPF), December 2024**

4.7 Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
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

4.8 **Planning Practice Guidance (PPG)**

5.0 **RELEVANT PLANNING HISTORY**

5.1 H22-0190-19 - Outline - Residential development (4 plots) - Refused - 02.05.2019
H22-0733-19 - Outline - Residential development (4 plots) - Approved - 09.02.2021
H22-1070-23 - Outline - Residential Development - Erection of 2 Dwellings - Approved
08.02.2024
H22-0810-24 - Condition Compliance - Details of archaeological report addressing a future trial trench excavation of the site (Condition 10 of H22-1070-23) - approved 12.11.2024

6.0 **REPRESENTATIONS**

6.1 The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

6.2 **Initial Responses Received (Consultation period between 27th September 2024 - 18th October 2024)**

6.3 **South Holland Internal Drainage Board**

6.4 Byelaw 3 (Surface Water)

6.5 I am pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within the Ground Investigation Report (SW24-260-GI-01, Shields Wilson, Sept 2024). If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage

systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

6.6 Byelaw 3 (Treated Foul Water)

6.7 I note that the applicant proposes to treat foul waste using a BioDisc package treatment plant, with the treated foul water then discharging via the aforementioned soakaways (Proposed Site Layout, Seven22 Architecture Ltd, July 2024). However, we believe that this proposal would not be compliant with the General Binding Rules, as a drainage field (i.e. not a soakaway) must be installed if the applicant intends to dispose of treated foul water via infiltration (Rule 5).

6.8 In addition, the site is located closer than 30 metres to the nearest public foul sewer network. As per Rule 15 of the General Binding Rules, we would assume that the sewer should be the correct method of disposal for foul water from this development.

6.9 If the applicant proposal changes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

6.10 Section 23, Land Drainage Act 1991

6.11 We note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southern site boundary and that works are proposed to alter this watercourse through the installation of three access culverts. The applicant has approached the Board to make applications for consent for these works under Section 23 of the LDA 1991, which were granted under the references 22_07227_C, 22_07293_C and 22_07294_C on 28th November 2022.

6.12 The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

6.13 Byelaw 10

6.14 There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

6.15 **Responses Received within Re-consultation (Consultation period between 08th October 2024 - 22nd November 2024)**

6.16 South Holland Internal Drainage Board

6.17 Byelaw 3 (Surface Water)

6.18 I am pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within the Ground Investigation Report (SW24-260-GI-01, Shields Wilson, Sept 2024). If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

6.19 Byelaw 3 (Treated Foul Water)

6.20 I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

- 6.21 Section 23, Land Drainage Act 1991
- 6.22 We note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southern site boundary and that works are proposed to alter this watercourse through the installation of three access culverts. The applicant has approached the Board to make applications for consent for these works under Section 23 of the LDA 1991, which were granted under the references 22_07227_C, 22_07293_C and 22_07294_C on 28th November 2022.
- 6.23 The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.
- 6.24 Byelaw 10
- 6.25 There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.
- 6.26 SHDC Environmental Protection Officer
- 6.27 No comments
- 6.28 No comments regarding amendment 1
- 6.29 Historic Environment Officer
- 6.30 Thanks for consulting us on this application.
- The archaeological evaluation has demonstrated that no archaeological remains are likely to be impacted by the proposed development, therefore no further archaeological input is required.
- The submitted archaeological report and specification meet the required standards, therefore I recommend discharge of Condition 10 of H22-1070-23.
- No objection to amendment 1.
- 6.31 LCC Highway and Lead Local Flood Authority
- 6.32 Recommendation: Approve with conditions
- 6.33 Comments: The proposal is for a Residential Development - Erection of 2 Dwellings - Outline Approval H22-1070-23. Access was approved at outline stage. The proposal is for 2 x 3 bed bungalows, the front boundary picket fence and hedging matches the existing of the neighbouring property. There is sufficient space on site for the parking and turning of calling vehicles. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.
- 6.34 **Public Representation**
- 6.35 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.

7.0 CONSIDERATIONS

7.1 Evaluation

7.2 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.

7.3 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.

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

7.5 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.

7.6 Principle of Development and Sustainability

7.7 The principle of development would typically be assessed against Policy 1 of the South East Lincolnshire Local Plan (2019). The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

7.8 Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

7.9 The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development 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.

7.10 Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Other Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Other Service Centres will normally be limited to Committed sites and infill.

7.11 The application site in this instance is outside of the defined settlement boundary of Weston. Although the site is outside the settlement boundary, the principle of the development of this site for two dwellings, has been established through the outline permission, approved under reference H22-1070-23, referred to above.

7.12 This application comprises a Reserved Matters proposal, pursuant to outline approval H22-1070-23. Similarly to that explained above, this outline permission expressed that the principle of residential development (being two dwellings in that case) was acceptable.

7.13 In any event, the principle of developing this site for residential use has been established by the outline permission set out above. This application is therefore to assess the reserved matters, namely: Appearance, Landscaping, Layout, and Scale.

- 7.14 Layout, Design and Consideration of the Character and Appearance of the Area
- 7.15 Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.16 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.
- 7.17 Development proposals should also ensure that developments 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, among other considerations.
- 7.18 Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.
- 7.19 These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require 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.
- 7.20 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.21 The principle of two detached single storey dwellings on this site has already been accepted under the outline application. Notwithstanding this, the siting of the proposed dwellings hereby proposed are considered acceptable.
- 7.22 The proposed development would be located on land off High Road in Weston. The character of the area is defined by a mixture of dwelling types, including both detached and semi-detached houses and bungalows, with spacing somewhat varied. Whilst some properties are on relatively spacious plots others are closer together.
- 7.23 On balance, it is considered that two single storey dwellings, as proposed, could comfortably be accommodated in this location without materially harming the character or appearance of the immediate area. The proposed siting is such that the linear development would be continued, ensuring the development reflects and remains sympathetic to the surrounding pattern of built form.
- 7.24 The external elevations of both dwellings would be constructed using vandersanden Wickford facing brickwork. Plot one would have a double pantile roof in anthracite grey, with Plot two having a double pantile roof in cayenne red. Given there are examples of various materials in the immediate area, the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual amenity of the area.

- 7.25 The proposed finished floor levels for both properties are 3.725m which is 0.765m above existing ground level for Plot one and 0.715m above existing ground level for Plot two. The finished floor levels of the proposed dwellings are notably raised in relation to the proposed land level; however, this would comprise such an extent that would not materially impact the street scene or neighbouring residents. Notwithstanding this, the conditions attached to the Outline Approval specifically seek the submission of site levels and finished floor levels; therefore, details must be provided through the submission of a discharge of conditions application at a later date.
- 7.26 A street view plan has been submitted to show the extent of the impact to the neighbouring dwellings and the visual impact upon the surrounding context, and it is considered that the proposed levels raise and adequate separation distances ensures no unacceptable impact.
- 7.27 Overall, the layout, design of properties and appearance are considered to be acceptable.
- 7.28 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be 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).
- 7.29 Landscaping and Boundary Treatments
- 7.30 The proposed landscaping and boundary treatments, as shown on the submitted plans, are matching for both proposed plots. Part of the front garden would be grass, with the remaining being gravelled to provide off-street parking and turning provision for 3 vehicles. Hard landscaping includes paving around the perimeter of the properties and a small section of the rear gardens, the remaining garden to the front, side and rear would be mainly lawn and would likewise be of sufficient size to ensure good levels of amenity to the future residents.
- 7.31 The submitted plans illustrate that the eastern and western boundaries would have a new 1.8m fence erected with a new 1.2m timber picket fence erected to the front and rear boundary (southern and northern). A proposed prunus laurocerasus hedge would be planted behind the 1.2m timber picket fence to the front boundary.
- 7.32 Whilst the boundary treatments, when considered in respect of their visual impact, would seem suitable, it is advised that the conditions attached to the Outline Approval specifically seek the submission of boundary treatments, alongside the aforementioned site levels and finished floor levels; therefore, details must be provided through the submission of a discharge of conditions application at a later date. The acceptability of the boundary treatments will be considered, in respect of the impact upon neighbours, following the submission of these details, given the potential conflict between the increase in land levels and the required boundary treatments.
- 7.33 The proposals for landscaping would be appropriate. As such, the scheme is considered to be 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) in respect of their provisions on landscaping.
- 7.34 Impact on Residential Amenity/Land Users
- 7.35 Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.36 Policies 2 and 3 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.

- 7.37 The proposed development would not result in an unacceptable degree of overshadowing of neighbouring properties due to its scale and positioning. The proposed bungalows would not result in an unacceptable degree of overshadowing of one another or of neighbouring properties due to their positioning and scale within the site.
- 7.38 In terms of separation distances, there would be approximately 1.2m between the side elevation of plot 1 and the boundary fence which is located at the side of 195 High Road. Windows are proposed along this side elevation which would serve a dining and kitchen area, along with a door to the utility. Given that there would be a boundary fence between the site and no.195, the proposed plot 1 bungalow would not result in an unacceptable degree of overlooking between the properties. The details of such boundary treatments is secured through the outline permission.
- 7.39 There would be approximately 1.2m between the side elevation of plot 2 and the boundary fence which is located at the side of 189 High Road. No windows are proposed along this side elevation. Given that there would be a boundary fence between the site and no 189, the proposed plot 2 bungalow would not result in an unacceptable degree of overlooking between the properties. The details of such boundary treatments is secured through the outline permission.
- 7.40 There would be approximately 2.3m between the side elevations of plots 1 and 2. This relationship, when taking account of the need for boundary treatments to be installed which shall be considered under a further Discharge of Conditions submission, would ensure that no unacceptable impact would arise for future occupiers. As such this would not result in an unacceptable degree of overlooking.
- 7.41 A sufficient amount of internal living space and outdoor amenity space is proposed for each of the bungalows.
- 7.42 As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).
- 7.43 Highway Safety and Parking
- 7.44 Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".
- 7.45 In respect of highway matters, 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. 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.
- 7.46 Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), 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.
- 7.47 Access was approved at outline stage. The proposal is for two 3 bed bungalows, the front boundary picket fence and hedging matches the existing of the neighbouring property. There is sufficient space on site for the parking and turning of calling vehicles. The proposal will not have an adverse impact on the public highway. LCC Highways have been consulted and have raised no objections.

- 7.48 It should be noted that within the initial comments raised by the local Highway Authority, a construction management plan condition was recommended. The agent, following this recommendation and discussion with officers, submitted a Highways Statement outlining measures to mitigate the adverse impacts of vehicle activity during construction. LCC assessed the submitted Highways Statement and have agreed to remove the request for the construction management condition.
- 7.49 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).
- 7.50 Flooding Considerations
- 7.51 Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere". This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".
- 7.52 Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).
- 7.53 Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.
- 7.54 This continues by detailing that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".
- 7.55 If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.
- 7.56 The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.
- 7.57 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. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in 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" in instances where specific criteria is met.
- 7.58 It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the

sequential test.

- 7.59 The site lies within Flood Zone 3 of the Environment Agency's Flood Maps, and in a "Low Hazard" / "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. The flood risk impact of the proposed development was assessed as part of the outline application. Condition 2 of outline permission H22-1070-23 requires the development to be carried out in accordance with the Flood Risk Assessment that was submitted with the outline application with Condition 4 outlining the finished floor levels should be set 500mm above average ground levels. The proposed finished floor levels are a minimum of 0.715m, however these details are required by condition attached to the outline approval to which this reserved matters application relates.
- 7.60 The outline planning application which this reserved matters proposal is pertinent to, includes pre commencement conditions in relation to surface water drainage. Notwithstanding the details submitted, these conditions must be formally discharged prior to a commencement of development. As such, these drainage matters will be assessed in detail within the relevant forthcoming submission of details application.
- 7.61 As such, the site levels and finished floor levels have not been approved or agreed within this application and the details of these must be submitted to the Local Planning Authority prior to the commencement of any development.
- 7.62 Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.
- 7.63 **Biodiversity**
- 7.64 Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.
- 7.65 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.
- 7.66 For applications that are submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate and the mandatory 10% requirement would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.
- 7.67 In this instance, the approval of reserved matters for outline planning permissions are not within the scope of biodiversity net gain (as they are not a grant of planning permission).
- 7.68 In light of this, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. However, it would remain appropriate, given the context of Section 15 of the National Planning Policy Framework (December 2024) and requirements of Policy 28 of the South East Lincolnshire Local Plan (2019), that a standard condition is attached, requiring a level of Biodiversity Net Gain.
- 7.69 Planning Balance

- 7.70 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.
- 7.71 The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.
- 7.72 In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.
- 7.73 **Additional Considerations**
- 7.74 Public Sector Equality Duty
- 7.75 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.
- 7.76 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.77 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.
- 7.78 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.79 Human Rights
- 7.80 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).
- 7.81 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.
- 7.82 **Conclusion**
- 7.83 Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in

addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

8.0 RECOMMENDATIONS

- 8.1 Based on the assessment detailed above, it is recommended that the proposal should be approved subject to those conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

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

Application Form

095 S01

095 P02

095 P03

095 P04 Rev A

095 P01 Rev A

Highways Statement dated November 2024

Pre-determination Archaeological Field Evaluation by Neville Hall dated August 2024

Ground Investigation & Percolation Testing by Shields Wilson

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

2. The scheme of landscaping and tree planting shown on dwg. no. 095 P01 Rev A 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.

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.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3. The materials of the external surfaces (brickwork, finish, roof tiles and windows) of the development hereby permitted shall be carried out in accordance with those detailed within the application form and approved plans.

Reason: In the interests of the architectural and visual integrity of the overall 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.

4. 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>

5. **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 proposal relates to a Reserved Matters proposal, pursuant to an Outline Planning Permission which was determined prior to the introduction of mandatory Biodiversity Net Gain.

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 not 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.

6. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application.

For application guidance, approval and specification details, please visit:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
or contact vehiclecrossings@lincolnshire.gov.uk

7. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

8. You are advised that all conditions attached to Outline Planning Approval H22-1070-23, as approved on 08th February 2024, must be complied with. Details must be submitted for approval where required by this Outline permission.

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A - Plan A

