DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0794-25**	**Applicant:**	**Mr D Burchnall**
Proposal:	Residential Development		
Location:	Broadgate Whaplode Drove Spalding		
Terminal Date:	24th October 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
29	The Historic 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 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

Representations:

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

RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application seeking permission for a residential development of two dwellings at Broadgate, Whaplode Drove. This application is an outline application with all matters reserved.

Site Description

The application site comprises undeveloped land, located on the western side of Broadgate, within Whaplode Drove. The site is located outside the defined settlement boundary of Whaplode Drove, as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

The site, which is currently agricultural land, directly abuts the settlement edge and is located adjacent to existing residential properties, and the chapel green.

History

H23-0451-16 - Residential development - Approved

H23-0650-18 - Residential development (3 plots) - Approved

H23-0161-20 - Erection of detached dwelling - outline approval H23-0650-18 - Approved

H23-0822-22 - Residential Development - Approved

Consultation Responses

Whaplode Parish Council

No comment.

South Holland Internal Drainage Board

Consent may be required under Byelaw 3 and is not currently required under Section 23 or Byelaw 10.

Lincolnshire County Council Highways Authority

Recommendation No objection subject to conditions:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

Residential development - outline all matters reserved. Although this is for all matters reserved the access provision has been assessed as the existing kerb line is dropped throughout the frontage of the site so this will need stopping up either side of the access points - a condition has been requested in respect of this. The new accesses will be constructed to Lincolnshire County Council Specification. When the reserved matters application is submitted it shall demonstrate sufficient parking and turning within the site for each dwelling. 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.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 12

Within seven days of the new access being brought into use, the existing access onto Broadgate shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the site, in the interests of road safety.

Informatives

O/L Informative

Outline with all matters reserved

The principle of development is acceptable. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach.

Highway Informative 03

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. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:
https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Highway Informative 08

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 the Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

Senior Ecologist

Comments

Ecological Considerations:

- We believe that this site provides suitable habitat for nesting birds (protected under the wildlife and countryside act 1981) and therefore we request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 1st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

BNG Comments:

- We believe this site will need to secure off-site units to achieve mandatory 10% biodiversity net gain. Please see our comments below.
- The sections of grassland that have been proposed to be enhanced from poor to moderate condition unfortunately have to classed as vegetated garden following guidance from page 56 of the BNG user guide. This alteration would mean that there would be a unit deficit of 0.2345 area habitat units which will need to be secured offsite pre-commencement.
- We would also request confirmation on the managing authority for the trees proposed on the east of the site - land owner or dwelling owner? If the trees are to be managed by the owner of the land then they can be accepted as individual trees. If they are to be managed by the owners of the dwellings and fall within the domestic curtilage of the property then they would be classed within the vegetated garden and should be calculated as such following guidance from page 58 of the BNG user guide.

Conclusion:

There has been sufficient evidence provided to determine this application, as long as the mandatory 10% net gain is achieved through securing offsite units pre-commencement.

South Holland District Council Environmental Protection

No comments regarding land contamination.

Lincolnshire County Council Historic Places

Thank you for consulting us on this application.

It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207).

The site lies within an area of high archaeological potential, with evidence from the Roman, medieval and post-medieval periods. The Historic Environment Record (HER) contains information about several nearby assets, including Romano-British pottery at Whaplode (MLI22183, MLI22181, MLI20428) and a Romano-British cropmark complex with a possible field system, drove roads and settlement evidence (MLI20236). Furthermore, archaeological works carried out adjacent to the proposal site at Plot 1, Broadgate, exposed medieval and post-medieval remains.

The proposed development comprises 'Residential Development.". The proposed development groundworks and any temporary works associated with the development (including landscaping, drainage connections and BNG planting) will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, 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). There is archaeological potential, and we do not possess evidence that previous limited agricultural activity truncated possible present heritage assets.

I 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 approach of archaeological investigation and mitigation work.

This will initially comprise but may not be limited to a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation.

This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their 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).

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received.

These can be summarised as follows:

- Concerns over parking and congestion to highway.
- In the plans there is small outbuilding nearest to us at 22. Can I ask is this going to be a car garage or an annexe or other type of resident outbuilding?
- Can I also ask for the building of the properties how long the build is intended to be and what times would building works commence and finish each day?
- Would the properties be for sale at the end of the builds?
- Would there still be public parking on the road alongside the development during build and after completion which did not block entrances to the houses drives?
- What type of fence is being built closest to us where the internal drainage board area is?

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

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.

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.

Planning Considerations

Principle of Development and Sustainability

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.

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.

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Minor 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 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2024) outlines, within Paragraph 61, that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 73 of the National Planning Policy Framework (December 2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly". This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance lies within the countryside and lies outside any defined settlement boundary as detailed by Policy 1. The context of this has been discussed above, in that development in this area is at the bottom of the hierarchy and is typically resisted.

The site does however directly abut the settlement boundary for Whaplode Drove, which is an 'Other Service Centre'. For these settlements, development within the defined settlement boundary 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. Development will normally be limited to Committed sites and infill.

In any case, the development in this instance lies outside of the defined boundary and as such, lies

within the countryside in planning policy terms. As such, when viewed in isolation, development of this nature, within this site context, would not usually or typically be supported.

Notwithstanding this, the site is subject to a notable planning history that must be taken into account. There have been multiple previous approvals on site for residential development, both within the current local plan period and also prior to the adoption of the current local plan. This planning history is considered to be a significant material consideration in this instance, which somewhat helps to justify and support the proposal.

Of particular note four planning approvals have been granted on this site since 2016, these are as follows:

- H23-0451-16 - Residential development - Approved (Outline)

- H23-0650-18 - Residential development (3 plots) - Approved (Outline)

- H23-0161-20 - Erection of detached dwelling - outline approval H23-0650-18 - Approved (Reserved Matters)

- H23-0822-22 - Residential Development - Approved (Outline).

H23-0650-18 granted outline permission (with all matters reserved) for the residential development of up to three dwellings. This approval comprised land that included the site subject to the current ongoing proposal. This approval was granted in light of that fact that the 'South Holland Local Plan was out of date and the Authority did not, at that time, have a 5 year supply of deliverable housing land'. Therefore, on balance, the proposal was permitted.

Subsequent to this, a reserved matters application was submitted for the erection of a single dwelling, under reference H23-0161-20. This application related to the southernmost plot within the wider application site and was subsequently approved.

Most recently, application H23-0822-22 was also approved, granting outline permission for residential development of up to two dwellings, within the remaining land previously subject to permission under reference H23-0650-18. Within the assessment of this previous approval, it was stated that "the site has previously been granted outline planning permission and a subsequent reserved matters approval for one of the three dwellings previously granted. Whilst is accepted that the previous outline application was granted when the Council did not have a 5 year land supply and was also assessed against the old Development Plan, given one of the three dwellings approved has already been approved by a reserved matters application and built, it would be unreasonable to not allow the remaining two dwellings". This makes reference to the fact the 2016 and 2018 applications approved a plot which was located within the settlement boundary, this being approved and subsequently developed following the 2020 application. Therefore, the site has a clear history of approval and an already approved expansion into the countryside.

Whilst the first two applications referred to above were assessed under the previous development plan, the latter two were assessed and approved under the current Local Plan (South East Lincolnshire Local Plan 2019).

At the time of initial submission of this current application (H23-0794-25), the most recent outline approval was still extant, with the opportunity for a subsequent reserved matters application to be submitted until 13th October 2022. Whilst, at the time of recommendation and determination, this aforementioned outline approval has subsequently expired, weight must be attributed to the fact that previous permission has been granted for this site (including under the current development plan during a period whereby a 5yr housing land supply could be demonstrated) and that at the time of the initial submission, the site had an extant permission for the same quantum of development.

Whilst it cannot be considered that this proposal comprises infill development and would be vastly unacceptable in the majority of other contexts, with the Local Planning Authority most likely to resist such development without any prior history, this site has been subject to previous approvals and the proposal hereby proposed has been previously permitted in the exact same form. Furthermore, given the context of the site, any resultant approval could not lead to further sprawling out into the open countryside due to the site meeting a drainage board maintained watercourse to the north, with additional site constraints also at play.

Therefore, overall, despite the clear contrast and confliction with Policy 1 in this instance, the principle of development is considered to be acceptable in this instance, when viewed on balance.

Layout, Design and Consideration of the Character and Appearance of the Area

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.

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.

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.

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.

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.

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.

The proposal has been submitted in outline form and has been submitted under the basis that all mattes are reserved. It is not therefore possible to assess the resultant siting, layout or form of the residential units, given that these matters are reserved for later approval. However, an indicative site layout plan has been provided within the application, which demonstrates the potential for siting two dwellings within the application site. This illustrates two detached properties consisting of one four bedroom house with detached double garage, and one three bedroom house with an attached garage.

The plots would be set adjacent to No. 34 Broadgate and within close proximity to No. 22 Broadgate. Access would be off the main road with each plot having their own accesses, based on the indicative layout. The submitted details demonstrate that the site could accommodate two residential units without causing an unacceptable or significant adverse impact upon the character or appearance of the area. Subject to appropriate design and detail, which would be a matter for a later reserved matters submission, the site could accommodate residential units that would be in keeping and would not appear at odds.

The resultant development would not cause the loss of amenity space for any extant neighbouring dwellings. In a similar light to this, the development could be designed as to ensure ample amenity space for the future occupants and would therefore not appear cramped or contrived and have similar sized plots to other dwellings in terms of width.

Taking account of the design, scale and nature of the development, as detailed above, the proposal

is considered to be acceptable. The proposal, subject to appropriate details and design at reserved matters stage, could ensure that no unacceptable adverse impact would be caused 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).

Impact on Residential Amenity/ Land Users

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.

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.

The proposal has been submitted in outline form and has been submitted under the basis that all mattes are reserved. The submission has been accompanied by indicative plans, as previously stated, which illustrates the potential siting of two houses.

At this stage, there is no details as to the scale or height of each unit, given its outline form. Notwithstanding this, due to the positioning of the plot and the adequate size of each plot, it is considered that an appropriately designed dwelling could be accommodated within each plot without giving rise to material overshadowing or overlooking.

It is accepted that there would be some disruption to local residents during the construction stage. However, this would be temporary and could be alleviated by means of a construction management plan if permission was forthcoming.

As detailed above, the scale and quantum of development of the proposal is considered to be such that an appropriately designed scheme could be accommodated as to ensure 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).

Flood Risk and Drainage

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".

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).

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.

Paragraph 175 details 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)".

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.

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.

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.

The site is within Flood Zone 1 of the Environment Agency's Maps and is within an area of no hazard within the South Holland Strategic Flood Risk Assessment. As such, a site specific flood risk assessment has not been provided within the submission of this application. There is not considered to be a high level of flooding and therefore the location of two new dwellings should not cause any adverse harm nor should it increase the flood risk elsewhere.

South Holland Internal Drainage Board were consulted on the application but have raised no objections through their comments. Surface water for the site would be discharged via a soakaway system. In relation to Byelaw 3 (Surface Water), the IDB have stated that '*The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration*'. As such, if the proposal is approved a condition would be attached to the decision notice to ensure this the case. Furthermore, Byelaw 3 (Treated Foul Water) goes on to say '*I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3*'.

Moving on from this, Section 23 discusses the presence of a Board Maintained watercourse which is adjacent to the northern site boundary. If the applicant's proposals change to include works to alter the watercourse or if works are proposed to alter the watercourse at any point consent would be required. Finally, the IDB are pleased to see the 9m gap between the edge of the arterial watercourse and the proposal itself. Should the works move to be within 9 metres of this consent would be required.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, 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.

Highway Safety and Parking

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".

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.

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.

The indicative floor plan states that Plot 1 would have four bedrooms whilst Plot 2 would have three, both dwellings therefore fall under the requirements of Appendix 6 as outlined above; however, this is an indicative layout only. That said, the submission demonstrated that the site could adequately accommodate sufficient parking for two residential units.

Furthermore, LCC Highways were consulted on the application and raised no objections but have recommended conditions and informatives. Their comments state the following *'Although this is for all matters reserved the access provision has been assessed as the existing kerb line is dropped throughout the frontage of the site so this will need stopping up either side of the access points - a condition has been requested in respect of this. The new accesses will be constructed to Lincolnshire County Council Specification. When the reserved matters application is submitted it shall demonstrate sufficient parking and turning within the site for each dwelling. The proposal will not have an adverse impact on the public highway*'.

A condition has been requested to be included within the decision notice which requires the existing access onto Broadgate being permanently closed within seven days of the new access being brought into use. Both informatives as well as the condition will be attached to the decision notice should the application itself be approved.

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).

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition 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.

When taking the above into account, the development in this instance is not exempt from the statutory 10% Biodiversity Net Gain requirements. Notwithstanding this, a 'Biodiversity Net Gain Assessment' and 'Pre-Development Plan Baseline Map' has been submitted in support of this application and the LPA have consulted with an in-house Ecologist to determine if these details are suitable and acceptable. These comments state that they believe the site will need to secure off-site units to achieve the mandatory 10% net gain. This is discussed in more detail below:

- The sections of grassland that have been proposed to be enhanced from poor to moderate condition unfortunately have to classed as vegetated garden following guidance from page 56 of the BNG user guide. This alteration would mean that there would be a unit deficit of 0.2345 area habitat units which will need to be secured offsite pre-commencement.
- We would also request confirmation on the managing authority for the trees proposed on the east of the site - land owner or dwelling owner? If the trees are to be managed by the owner of the land then they can be accepted as individual trees. If they are to be managed by the owners of the dwellings and fall within the domestic curtilage of the property then they would be classed within the vegetated garden and should be calculated as such following guidance from page 58 of the BNG user guide.

As such, should the application be approved the relevant conditions would be attached to the decision notice to ensure they are able to meet the 10% net gain pre-commencement.

Biodiversity & Ecology

Beyond this, Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:
"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) 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.

In regard to the ecology aspect of the site, the Ecology Team has concluded that the site provides suitable habitat for nesting birds which are protected under the Wildlife and Countryside Act 1981 and therefore a condition must be attached which limits when works can be carried out on site. If this is not possible then a qualified Ecologist must perform a breeding bird survey of the site prior to any works beginning. If active nests are discovered on site, they must be protected with a suitable exclusion buffer etc. This would be included within the decision notice to ensure no harm is caused to any potential nesting birds.

When taking the above into account, whilst the development in this instance is not exempt from the mandatory 10% net gain and has the potential for nesting birds, 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 conditions are attached, requiring a level of Biodiversity and ecological enhancement, including that impacting upon small species.

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 proposal represents development outside the defined settlement boundary. Despite the clear contradiction and conflict with Policy 1 in relation to the residential development being located outside the defined settlement boundary, the justification outlined and discussed above shows that the principle of the site is considered to be acceptable in this instance only.

In the majority of other contexts the LPA would strongly resist and look to refuse proposals for new houses in the open countryside, the history and approvals under the same local plan set a clear justification and attribute significant weight in this instance. It should not set a harmful precedent nor lead to further expansion into the open countryside.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, the planning balance is in favour of the development.

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 the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

Whilst the sites location, being within the countryside, would result in the proposal being at conflict with Policy 1 of the South East Lincolnshire Local Plan (2019), the justification which has been discussed throughout this report reduces the concern raised and outweighs the consideration, in favour of the proposal and the policies referred to above.

Recommendation

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