

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0864-25 **Applicant:** Mr M Hayes

Proposal: Proposed New Dwelling including the demolition of existing domestic workshop

Location: Oak Lodge Saltney Gate Saracens Head

Terminal Date: 26th June 2026

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
17	Providing a Mix of 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 5 - Delivering and sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the demolition of an existing domestic workshop and the erection of a dwelling. The proposed dwelling would comprise a 1.5 storey dormer bungalow which is proposed to face towards the east of the site. Vehicular access is proposed from the northern boundary of the site from Washway Road.

Site Description

The application site comprises land at north of Oak Lodge in Saracens Head. The site features a domestic workshop building which is used in association with Oak Lodge. Saracens Head Garage is located to the west of the site. The site is otherwise mostly surrounding by residential development except to the north where Washway Road is located.

The site is within the settlement boundary of Saracens Head, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is not within a Conservation Area, however, there is a grade II listed building to the east of the site (Pipewell Manor House). This building is located approximately 80m to the east of the site, on the opposite side of Washway Road.

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

Planning History

H23-1136-01: (Full Application) Erection of a two storey and single storey extension - approved 05 December 2001

H23-1087-24: (Full Application) Proposed new dwelling including the demolition of existing domestic workshop - refused 25 February 2025

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Environmental Protection: The proposal is adjacent to an established motor vehicle repair business and replaces a non domestic building. We would therefore recommend upgraded double glazing to

the NW elevation bedroom to reduce any potential noise impact as this dwelling will be "agent of change" in this case.

Environmental Protection - Contaminated Land:

First Response (02 October 2025): I request a screening assessment form be completed at this location with photographs.

Second Response (29 October 2025): I have reviewed the screening assessment form and other information provided and I request a standard land contamination condition be applied at this location

Conservation Officer: We have no objection to this development, as it does not impact on a built heritage asset or its setting. However, significant weight should be given to the advice of the archaeological advisor, as the site has been identified as an area of archaeological interest, with medieval salterns previously found nearby (Monument record MLI20379).

Historic Environment Officer: 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 programme of archaeological mitigation work including, but not limited to a continuous archaeological monitoring (watching brief) to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

Whaplode Parish Council: Further to our previous comments, there are other fundamental issues that need to be addressed, contamination, cramped form of development and close proximity to SHIDB piped culvert, does not comply with there bylaws

Lincolnshire County Council - Highways and SUDS: The proposal is for a new dwelling including the demolition of existing domestic workshop. The new access is positioned to provide suitable visibility. Sufficient parking has been demonstrated. Although there is no turning facility to allow vehicles to enter and leave in a forward gear, this will not be detrimental to highway safety as vehicle speeds on Saltney Gate are low as they approach the bend and there are similar accesses within the vicinity of the site. The proposal will not have an adverse impact on the public highway.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): 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. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: I note the presence of a Board Maintained watercourse (P49 Scarlet Gate - DRN206G4901) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: I note that the applicant intends to demolish an existing workshop and construct a new dwelling within 9 metres of the aforementioned Board maintained watercourse as shown within

drawing 'Planning PP1000 Rev C' (Swann Edwards Architecture, June 2025). The applicant has approached the Board to make an application for consent under Byelaw 10, which is currently under determination.

Cllr A C Beal: No response received.

Cllr P A Redgate: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The response is summarised below:

- The "small mechanical workshop business" the application refers to is a working garage and has been part of the village community and in business since 1928. Given the number of environmental and parking complaints received over the years from the neighbouring properties, we are surprised to see an application for an area even closer to the garage.
- The garage will continue to operate and we do not want to be troubled by more complaints regards noise and parking.
- Clarification is needed: Will the land be accessed via Washway Road or Saltney Gate during the build stage?
- We presume soil contamination samples/tests will be carried out as the land in the proposal was originally used as a haulage yard.
- Can the applicants confirm that their insurance will cover any damage caused to Saracens Head Garage during the build?
- The proposed drive looks extremely narrow; we presume all checks have/will be taken to ensure the turning point from Holbeach is achievable.
- Post-build, we will require access to the walls/roof/guttering for maintenance and repairs.

Key Planning Considerations

Development Plan

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

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

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

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

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

- Principle of Development;
- Design, Layout and Impact on the Character and Appearance of the Area;
- Impact on Residential Amenity;
- Highway Safety and Parking;
- Impact on Archaeological Assets;
- Flood Risk and Drainage;
- Biodiversity Net Gain; and
- Contamination.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

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

The site is within the defined settlement of Saracens Head which falls under the settlement category of 'Other Service Centres and Settlement'. Policy 1 sets out that within this type of settlement, development will normally be limited to Committed sites and infill. As the proposal is for a minor residential development, the scale of the development is acceptable in principle; however, it is also necessary to assess the proposed development against other relevant material considerations.

Design, Layout and Impact on the Character and Appearance of the Area

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

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan accords with the provisions of Section 12 of the NPPF, requiring development to feature good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The proposed dwelling would comprise a 1.5 storey dormer bungalow, featuring a gable end roof line. The dwelling is proposed to measure 10.2m in length and 7.2m in width. The dwelling would measure approximately 7.3m up to its ridgeline, 3.4m up to its eaves and a dormer window is proposed on the eastern roof slope of the dwelling.

There is an existing outbuilding within the site that is proposed to be demolished. The building footprint of the dwelling would be smaller than the footprint of the existing building. The existing building measures approximately 5.3m in height up to its ridgeline. Therefore, whilst the height of the existing building is lower than the proposed dwelling, overall the buildings would be of a similar scale.

The street scene along Washway Road is varied and features a mix of dwelling types and sizes. Most of the dwellings are set back from the road frontage and feature front driveways and gardens, whereas the proposed dwelling would be located relatively close to the road frontage. The dwelling would also be closer to the road frontage than the existing building within the site. For example, the proposed side elevation of the dwelling would be approximately 1.5m from the pavement next to the site, whereas the existing building is approximately 7.2m from the pavement.

The frontage of the proposed dwelling would face to the east, whereas most of the nearby dwellings on Washway Road face towards to the north, towards Washway Road. The siting and orientation of the dwelling would differ from some of the existing dwellings within the street scene; however, as set out previously there is a variety of house types within the area and as such, there is no strict uniformity along Washway Road. There is an existing garage building located to the west of the site and the garage building is located next to the road frontage. Therefore, there is an existing building located next to the road frontage on Washway Road which is further forward than the proposed dwelling would be. Furthermore, the northern side elevation of the proposed dwelling would feature an active frontage as windows are proposed on this elevation. Therefore, the proposed siting and orientation of the dwelling is considered to be acceptable in this instance.

The proposed dwelling contains similar features and detailing to some of the nearby dwellings within the street scene, such as dormer windows. Therefore, the character of the dwelling is considered to be suitable.

The proposed materials including the proposed brickwork and roof tiles are not yet confirmed. As such, further details relating to the materials would need to be secured via a condition to ensure that the quality and appearance of the materials is acceptable.

It would also be considered appropriate to include conditions restricting permitted development rights for extensions, outbuildings and means of enclosure due to the size of the site and the nature of the proposed layout. For example, any further development of the site would need to be considered carefully as any extensions or outbuildings could result in an overdevelopment of the site.

Overall, it is considered that the proposed development would have an acceptable impact on the character and appearance of the site, in accordance with Policies 2 and 3 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impact on Residential Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is considered that sufficient internal living space would be provided by the proposed development. For example, the proposals accord with the nationally described space standard. It is also considered that there would be sufficient external amenity space as a rear garden is proposed. It appears that the proposal would reduce some of the external amenity area that is available for Oak Lodge; however, it is considered that Oak Lodge would retain a large enough garden for its occupants.

Due to the proposed siting and scale of the dwelling, it is considered that the proposed dwelling would not overshadow neighbouring dwellings to an unacceptable degree.

The proposed dwelling would face towards The Moorings which is the nearest dwelling to the east of the site. The Moorings faces northwards towards Saltney Gate and as such, the proposed dwelling would not face directly onto any elevations of The Moorings, only the front garden and driveway area. The Moorings contains a side and rear garden and as such, occupants would retain private amenity space. As such, the proposed dwelling would not result in an unacceptable degree of overlooking with The Moorings.

The other nearest dwelling is Oak Lodge which is located to the south of the site. The southern side elevation of the proposed dwelling would face towards Oak Lodge to the south, and this elevation would feature first floor windows connected to a bedroom, and ground floor bifold doors connected to a living room area. There would be approximately 13.5m between side elevation of the proposed dwelling and the nearest elevation of Oak Lodge. The boundary treatments are not yet confirmed and such details could be secured via a planning condition. Provided a suitable boundary treatment is proposed between the properties, it is considered that the proposed dwelling would not result in an unacceptable degree of overlooking between the properties.

There are no dwellings immediately to the west of the site; however, there is a garage building. Whilst there might be some disturbance from the garage business it is not considered that this would cause an adverse impact on the living conditions of future occupants. The council's environmental protection team have recommended that the north-western bedroom window (bedroom 3) includes double glazing to reduce any potential noise impact. Double glazed windows would be required by Building Regulations as the dwelling is a new dwelling and as such, it is not considered necessary to require double glazing via a planning condition.

A representation has been received on behalf of the garage business setting out concerns that future occupants of the dwelling might raise complaints in terms of noise and parking issues.

Paragraph 200 of the NPPF requires planning decisions to ensure that new development can be integrated effectively with existing businesses. Paragraph 200 further sets out the following:

"Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

It is recognised that the proposed dwelling would be located relatively close to the garage building. For example, the rear elevation would be approximately 3.7m from the closest elevation of the garage building. Oak Lodge is also located relatively close to the garage (approximately 9m) and as such, there is already a dwelling located relatively near to the garage. It appears that the opening hours of the garage are limited to 8am to 4.30pm everyday of the week. These hours are not considered to be extensive and this should reduce the impact of the business on the nearest dwellings. As set out above, the council's environmental protection team have not raised any fundamental objections in terms of noise disturbance to future occupants, they have only recommended that a double glazed window is installed for the north-western bedroom as a minimum. As such, it is considered that the proposed development would accord with Paragraph 200 of the NPPF.

Therefore, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring dwellings and future occupants in accordance with Policies 2 and 3 of the Local Plan and Paragraph 135 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

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

Two tandem parking spaces are proposed to the rear of the dwelling. The spaces would be accessed from Washway Road. Lincolnshire County Council's highways team have set out that they have no objections to the proposed access and parking arrangements.

As part of the determination of the previous application H23-1087-24 the highways team acknowledged that although there is no turning facility to allow vehicles to enter and leave in a forward gear, this will not be detrimental to highway safety as vehicle speeds are low in the area, and there are similar accesses within the vicinity of this site.

Therefore, it is considered that the proposal would have an acceptable impact in terms of highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Impact on Archaeological Assets

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

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

The site is not located within a Conservation Area and there are no listed buildings on or next to the site; however, Lincolnshire County Council's historic environment team have set out that the site is located in an area of archaeological potential. The historic environment team consider that the groundworks and any temporary works associated with the development could have a significant impact on any surviving archaeological remains, resulting in total or partial loss. Paragraph 218 of the NPPF sets out that development should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or partially) in a manner which is proportionate to their importance. Therefore, the historic environment team have recommended conditions to secure the submission of a written scheme of investigation and these conditions have been agreed with the applicant's agent.

With the inclusion of these conditions the proposed development accords with the aims of Policy 29 of the Local Plan and section 16 of the NPPF.

Flood Risk and Drainage

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

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

Paragraph 181 of the NPPF sets out how local planning authorities should ensure that flood risk is not increased elsewhere, including that development should only be allowed in areas at risk of flooding where it can be demonstrated that criteria a) to e) can be addressed.

Paragraph 182 of the NPPF sets out that applications which could affect drainage on or around the site should incorporate sustainable drainage system to control flow rates and reduce volumes of runoff.

The site lies within Flood Zone 3, as identified within the Environment Agency's Flood Maps. Policy 4 of the Local Plan sets out that development in Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

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

The application is accompanied by a Flood Risk Assessment (FRA), within which section 3.3 sets out how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

In relation to the sequential test, the applicant's FRA sets out the following:

"The SFRA states that as it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the present day 1% fluvial and 0.5% tidal event. The site therefore has a low probability of flooding and is considered to pass the Sequential Test."

A settlement-wide search of Saracens would typically be required and evidence of this has not been provided within the submitted FRA. Notwithstanding this, it is recognised that only very small areas of Saracens Head are within lower risk flood zones and these areas appear to already be developed. As such, it is considered that the sequential test is passed in this instance.

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

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

In terms of part a, the development would make a contribution to local housing supply which could benefit the community as future occupants could help sustain local services and facilities. National Planning Guidance sets out that examples of wider sustainability benefits can include the re-use of brownfield land and the provision of sustainable drainage systems (Paragraph: 036 Reference ID: 7-036-20220825). The application form indicates that the proposed means of surface water drainage is via a sustainable drainage system. It is unclear if this is feasible at this stage due to the lack of submitted information. Therefore, it would be appropriate to include a condition requiring further drainage details to be provided. An alternative drainage strategy would only be permitted if it was demonstrated that a sustainable drainage strategy was infeasible.

In terms of part b, the SFRA sets out at Paragraph 9.1.5, that there are a range of factors to be considered when determining whether or not a development is 'safe'. The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is identified within a low hazard rating area and the submitted FRA recommends that the finished floor levels are set 0.3m above the surrounding ground level. This accords with the recommendations of the SFRA. Overall, it is considered that the proposed development would meet the requirements of Paragraph 178b.

A previous application (ref: H23-1087-24) for a dwelling within the site was refused on 25 February 2025 due to the proposed siting of the dwelling as it would have been within 9m of a watercourse that is maintained by South Holland Internal Drainage Board (IDB). The IDB objected to the application as one of their byelaws does not allow for permanent structures within 9m of their watercourses unless consent has been granted by the IDB for such structures. This is to ensure that their watercourses can be maintained to help reduce the chance of flooding due to the potential obstruction of maintenance land, it was considered that the proposal would have conflicted with Policy 4 of the Local Plan and Section 14 of the NPPF.

As part of the current application, the IDB have not raised an objection to the proposals; however, their consultation response set out that "The applicant has approached the Board to make an application for consent under Byelaw 10, which is currently under determination". This has been queried with the applicant's agent, and they have subsequently provided a letter from the IDB dated 15 October 2025 which sets out that consent has been granted by the IDB for the proposed siting of the dwelling. As such, it is considered that the proposal no longer conflicts with Policy 4 of the Local Plan or Section 14 of the NPPF.

The aforementioned planning conditions to restrict certain permitted development rights such as rights for extensions and outbuildings are also considered to be appropriate in terms of managing flood risk from the site.

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 (BNG) 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.

In this case, the applicant considers that the development is exempt from the requirement to provide BNG as the dwelling would comprise a self-build dwelling. The LPA agrees with this given that the design appears to be bespoke for the site. As such, the development is exempt from the requirement to provide BNG. A unilateral undertaken agreement has been prepared to ensure the proposal is for a self-build / custom dwelling.

Contamination

The public representation that was received during the consultation period for the application queried whether soil contamination samples and tests will be undertaken. The council's environmental protection team have recommended a condition requiring the submission of a contamination assessment, and the submission of any additional information if required (such as verification information if remediation is needed). This condition has been agreed with the applicant's agent as it is a pre-commencement condition.

Other Matters

The public representation received for the application queried whether the applicant could confirm that their insurance will cover any damage caused to the garage building next to the site. The representation also queries whether access to their walls / roof / guttering will be retained for maintenance and repairs. These are civil matters rather than material planning considerations and as such, these matters are not considered relevant to the determination of the current planning application.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development represents appropriate development within the defined settlement of Saracens Head. The development hereby proposed does not materially harm the character or

appearance of the locality, or amenity of nearby residents. Therefore, the proposed development accords with the Local Plan and the NPPF. 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.

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 accord with Policies 1, 2, 3, 4, 11, 17, 28, 29, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh 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.