

AGENDA



- Committee - **PLANNING COMMITTEE**
- Date & Time - Wednesday, 8 October 2025 at 6.30 pm
- Venue - Council Chamber, Council Offices, Priory Road, Spalding

Membership of the Planning Committee:

Councillors: B Alcock, J Avery (Chairman), A C Beal (Vice-Chairman), H J W Bingham, C J T H Brewis, A Casson, S Hutchinson, T Sneath, A C Tennant, J Tyrrell and A R Woolf

Substitute Members of the Planning Committee

Any member may sit on the pool of substitutes for the Planning Committee provided they receive training every 12 months as approved by the Council (minute 290(c)/05 refers). Substitutions are for individual meetings only.

Quorum: 4

Persons attending the meeting are requested to turn their mobile telephones to silent mode

Democratic Services
Council Offices, Priory Road
Spalding, Lincs PE11 2XE

Date: 30 September 2025

AGENDA

1. Apologies for absence.
2. Minutes - (Pages 3 - 8)
To sign as a correct record the minutes of the meeting held on 10 September 2025 (copy enclosed).
3. Declaration of Interests. -
(Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a grant of dispensation.)
4. Questions asked under the Council's Constitution (Standing Orders).
5. H02-0568-24 - (Pages 9 - 26)
Full application for Erection of 3 dwellings with garages – re-submission of H02-0899-22 at Land at Blackbird Close, Crowland (report of the Development Manager enclosed).
6. H16-0846-23 - (Pages 27 - 36)
Full application for New Shopfront – Retrospective at 24 Winsover Road, Spalding (report of the Development Manager enclosed).
7. H16-0687-25 - (Pages 37 - 52)
Full application for Construction and operation of a micro energy storage project at Sir Halley Stewart Playing Field, Winfrey Avenue, Spalding (report of the Development Manager enclosed).
8. Planning Appeals - (Pages 53 - 54)
To provide an update on recent appeal decisions (report of the Development Manager enclosed).
9. Planning Updates.
10. Any other items which the Chairman decides are urgent. -

Note: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

Minutes of a meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 10 September 2025 at 6.30 pm.

PRESENT

J Avery (Chairman)
A C Beal (Vice-Chairman)

B Alcock
P Barnes
H J W Bingham

C J T H Brewis
A Casson
R A Gibson

A C Tennant
J Tyrrell
A R Woolf

In Attendance: Group Manager – Planning and Development, Senior Planning Lawyer, Lead Development Management Planner (Interim), Principal Planning Officer, Planning Consultant, Planning Officer and Democratic Services Officer

12. **APOLOGIES FOR ABSENCE.**

The Senior Planning Lawyer reported that notification has been received of the following substitutions for this meeting only:

- Councillor Barnes was replacing Councillor Hutchinson
- Councillor Gibson was replacing Councillor T Sneath

13. **MINUTES**

Consideration was given to the minutes of the meeting held on 16 July 2025.

AGREED:

That the minutes be signed as a correct record.

14. **DECLARATION OF INTERESTS.**

Councillor Bingham declared an interest in item 7 within his role as Portfolio Holder for Assets and would therefore leave the room for the duration of this item.

Councillor Tyrrell declared an interest in item 6 and would therefore leave the room for the duration of this item.

15. **QUESTIONS ASKED UNDER THE COUNCIL'S CONSTITUTION (STANDING ORDERS).**

There were none.

16. **H02-0568-24**

Planning No. and Applicant
H02-0568-24 Mr M Blackbird

Proposal
Full Application for Erection of 3

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dwellings with garages – re-
 submission of H02-0899-22 at Land
 at Blackbird Close, Crowland.

Consideration was given to the report of the Lead Development Management Planner (Interim) upon which the above application was to be determined, including their recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance, with the following comments being raised:

- The improvements and modifications by the applicant were welcome, with the current scheme being more suitable for the location. However, despite a condition being included, there was still a need to mitigate the effect of floor levels of the neighbouring property and particular care needed to be taken to ensure the proposed development's tree planting did not have an adverse effect on the neighbouring wall by being planted too nearby.
- Biodiversity was also a concern, dependent upon where the tree planting took place and the adverse effect this could have on the neighbouring property.
- The plan shown to the Committee was different to that included within the submitted plans due to differences in ownership.

The full debate was not repeated here as a livestream of this Planning Committee Meeting could be viewed on South Holland District Council's Facebook page for a limited period of time, in line with the Democratic Services Privacy Notice.

Following the conclusion of the debate, it was stated that the recommendation had been moved by Councillor Alcock and seconded by Councillor Bingham and subsequently proceeded to the vote.

AGREED:

That permission be granted subject to the conditions outlined at section 9.0 of the report.

NOTE: After checking with the recording of the meeting, it was realised that the proposal had been made by Councillor Bingham, with no seconder identified, resulting in a procedural irregularity. Although the vote was unanimous in support of the Officer recommendation, upon taking legal advice it has been recommended that the application be brought back to the next meeting of the Planning Committee, scheduled for 8 October 2025, in order to formally rectify the procedural irregularity.

17. **H12-0474-25**

Planning No. and Applicant
H12-0474-25 Mr M Ludlam

Proposal
Full application for Increase number
of children from 16 to 21 in

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connection with current
childminding business (Modification
of Condition 3 of H12-0598-22) and
siting of log cabin in association
with business at 2 School Lane,
Lutton, Spalding.

Consideration was given to the report of the Lead Development Management Planner (Interim) upon which the above application was to be determined, including their recommendations, copies of which had previously been circulated to all members.

Councillor Tyrrell left the room at the start of this item.

The Case Officer noted that the wording in paragraph 8.1 was incorrect and should refer to determination by the Planning Committee, not delegated authority.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance, with the following comments being raised:

- Close attention should be paid to the concerns raised by the local MP on behalf of local residents in the vicinity of the location.
- The property should be assessed as a business as it was no longer a domestic property.
- Childcare provision within the village was desperately needed and an increase of five children did not make a large difference in relation to planning considerations.
- The negatives of the application were outweighed by the positives of the increase in childcare provision.
- Queried whether there had been any noise complaints received since the initial permission had been granted in 2022.
 - Officers responded that noise complaints had been received by the Environmental Health team, but these had been back and forth between the neighbours. No objections had been raised by Environmental Health in relation to noise.
- The size of the proposed log cabin seemed large in relation to the size of the garden, which would reduce the available safe space for children to play in.
 - Officers noted that this was not a planning consideration.
- The increase in numbers could lead to more spaces within the village hall car park being used, blocking their use by those attending the village hall.
 - Officers responded that the use of car parking at the village hall would be limited due to a staggered drop off and pick up times.
- The positioning of the log cabin was deliberately provocative to the neighbours.
- Clarification was required on condition three and whether this related to present occupants or future ones.
 - Officers clarified that it was not a personal permission, and it would tie the business to the property.
- How would staggered drop off and pick up times be enforced?

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- Officers responded that this would need to be investigated though the Enforcement team.
- Any rise in noise levels could be controlled by Environmental Health if this was to be excessive.
- Concern was raised about whether the children would be going back and forth between the house and the log cabin as this could increase the noise levels.
 - Officers confirmed that the log cabin was intended to be used for toddlers, with other children remaining in the house. Condition four restricted the hours of use to not take place in noise sensitive hours.
 - Most surrounding residents were pensioners so would be listening to the noise all day.

The full debate was not repeated here as a livestream of this Planning Committee Meeting could be viewed on South Holland District Council's Facebook page for a limited period of time, in line with the Democratic Services Privacy Notice.

Councillor Brewis wished for his vote against the officer's recommendation to be recorded in the minutes.

AGREED:

That permission be granted subject to the conditions outlined at section 9.0 of the report.

(Moved by Councillor Tennant, Seconded by Councillor Bingham)

Councillor Tyrrell returned to the meeting at the conclusion of this item and Councillor Bingham left before the consideration of the next item.

18. H16-0681-25

Planning No. and Applicant

H16-0681-25 AMP Clean Energy

Proposal

Section 73 Modification application for Construction and operation of a micro energy storage facility – approved under H16-0565-24. Modification of Conditions 2 & 3 to allow amendments to previously approved plans at Land on the Northwest Side of Roman Bank, Spalding.

Consideration was given to the report of the Lead Development Management Planner (Interim) upon which the above application was to be determined, including their recommendations, copies of which had previously been circulated to all members.

Members raised no comments on the application.

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The full presentation was not repeated here as a livestream of this Planning Committee Meeting could be viewed on South Holland District Council's Facebook page for a limited period of time, in line with the Democratic Services Privacy Notice.

AGREED:

That permission be granted subject to the conditions outlined at section 9.0 of the report.

(Moved by Councillor Tyrrell, Seconded by Councillor Casson)

19. **PLANNING APPEALS**

Consideration was given to the report of the Lead Development Management Planner (Interim) which provided an update on recent appeal decisions.

Members were advised to contact the relevant case officer should there be any queries or points of clarity required on any of the appeal decisions included within the report.

AGREED:

That the report be noted.

20. **PLANNING UPDATES.**

There were none.

21. **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**

There were none.

(The meeting ended at 7.08 pm)

(End of minutes)

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Agenda Item 5.

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 08 October 2025

(Author: Mark Niland - Planning Officer)

Purpose: To consider Planning Application H02-0568-24

Application Number: H02-0568-24

Date Received: 26 June 2024

Application Type: FULL

Description: Erection of 3 dwellings with garages - re-submission of H02-0899-22

Location: Land at Blackbird Close Crowland

Applicant: Mr M Blackbird

Agent: Sharman Architecture

Ward: Crowland and Deeping

Ward Councillors: Cllr B Alcock
Cllr J R Astill
Cllr A Harrison

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0568-24>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application was deferred for design changes by the Planning Committee on Wednesday 02nd April.

Some of the key points raised included:

- The development frontage was not typical of the established properties on Peterborough Road, but had followed a newly cramped design;
- The location of the green area promoted an appearance that the development was cramped;
- Concern was expressed regarding the future intended use of the green space at the end of, and outside of, the current application site. The utilisation of the green space within the current application would render it less cramped;
- The function and flow of the site needed greater consideration regarding parking and general usage:
- The parking layout and shared vehicular access direct from Peterborough Road to Plots 1 and 2;
- The existence of a telegraph pole at the access point;
- The likelihood that Plot 3, as a five-bedroom property, would need the use of more than the two allocated parking bays;
- The position of the garage for Plot 3 did not maximise the full potential of parking availability; and
- The household waste collection point for Plot 3 appeared to be on the footpath;

- The differential in the land level caused a potential flood risk to existing properties.

1.2 The item returned to Planning Committee on 10th September 2025, where the vote was unanimous to approve the application, as per the officers recommendation.

1.3 As a result of procedural matters, the application is required to return to Planning committee.

2.0 PROPOSAL

2.1 The proposal seeks full planning permission for the erection of 3 no dwellings with associated garages.

2.2 The proposal comprises two dwellings located to the front and retain an active frontage. These dwellings are proposed to share a drive from Peterborough Road. The third dwelling is accessed from Blackbird Close.

2.3 All three detached dwellings are two storey, with plot 3 having a detached garage and plots 1 and 2 having integrated garages. Materials are not proposed at this stage and it is suggested to be controlled through planning conditions.

2.4 The surface water drainage strategy proposed is soakaway and foul disposal is directed to a main sewer. Each property has two number off street parking spaces.

2.5 The application is subject to amended plans, following a planning committee deferral. The amendments, which are responsive to member discussions include:

- Extension to the red line boundary to allow for some of the 'green space to be utilised'.
- Gardens to plots 1 & 2 increased in depth
- Re-siting of Plot 3
- Redesign of Plot 3.

2.6 This has resulted in the receipt of an amended site location plan and block plan, Plot 3 ground floor plan, first floor plan and elevations.

3.0 SITE DESCRIPTION

3.1 The application site is located within the settlement limits of Crowland. It is bound by Peterborough Road to the west and Blackbird Close to the south. A private drive runs along the northern boundary with Kennulphs Close. To the east are two detached dwellings, with James Road beyond.

3.2 The application site is located in Flood Zone 2 in accordance with the EA Mapping for Planning and in an area categorized as 'low hazard' within the South East Lincolnshire SFRA.

3.3 The site at present is vacant and can be fairly described as an infill site.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 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.

4.3 South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 28 - The Natural Environment
Policy 30 - Pollution
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

4.4 **National Guidance**

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

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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

4.6 **Planning Practice Guidance (PPG)**

5.0 **RELEVANT PLANNING HISTORY**

- 5.1 - H02-0899-22 - Erection of 3 bungalows & garages. Appeal Dismissed.
- H02-1082-15 - Residential development 41 dwellings with associated parking and garages. Approved 21-08-17.
- H02-0774-18 - Erection of detached dwelling and private drive access. Approved 12-10-18.

6.0 **REPRESENTATIONS**

6.1 **Parish Council**

No objections.

6.2 **North Level IDB**

Please note that North Level District Internal Drainage Board have no objections to the above planning application.

6.3 **Environment Agency**

No comments.

6.4 **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 approach of archaeological investigation and mitigation work.

6.5 **Highways & SuDs Support**

No Objections - The application is for the erection of 3 dwellings with garages - re-submission of H02-0899-22. The previous submission was accessed entirely from Blackbird Close whereas this has two dwellings served from Peterborough Road from a new shared access. The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions and it will be constructed to Lincolnshire County Council Specification. Visibility onto

Peterborough Road has been demonstrated satisfactorily and is in accordance with Manual for Streets. The parking demonstrated is adequate for the size of dwellings. 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.

Highways have confirmed that the amended design does not change their comments.

6.6 Environmental Protection

Standard Land contamination conditions.

6.7 Ecology

No objections. The applicant has provided BNG in line with the Ecologists, following recommendation, *I estimate that if the applicant planted approximately 20 new trees off-site within the blue line (rather than 7), they would be able to achieve the 10% gain on-site. If the latter, then we should look at securing these over the 30 year period via a S106 planning obligation.*

6.8 **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, objections have been received against the application, these relate to the previous iteration of the scheme.

6.9 The material points are summarised as:

- Overbearing and overlooking impacts.
- Concerns regarding soakaways.
- Highway safety.
- Contamination.
- Character (especially scale of properties).

The most recent designs have also been subject to a scheme of publicity. It has received a letter of objection from the same objector. For completeness the objection states:

I have now had chance to look through the recent amendments for the above application and wish the following observations/comments to be recorded :

'extra garage space added to all dwellings' - plots 1 & 2 now have three parking spaces each and I assume will be retaining the integral garage spaces as per the original drawings. This results in there being potential for 8 vehicles to use this new access from Peterborough Road; given the number of existing driveways (including Blackbird Close) and Cul de sac entrances I feel that this proposal is excessive and potentially hazardous. As far as I can see (ref drawing MB/05/F) plot 3 still only has a double garage and two parking spaces. In the event of all said 4 spaces being occupied where is it proposed for visitors to park ? I assume from this drawing that plot 3 will take it's access from Peterborough Road via the existing Blackbird Close driveway? So no opportunity for any additional parking along said driveway which pushes more parked cars onto the Peterborough Road. I have queried this point in the past and would assume that no's 9 & 11 will also need access over this driveway as their current route of access is across the application site. The existing driveway is currently used ONLY by no 10 Blackbird Close. Furthermore drawing MB/05/F indicates landscape planting along the southern boundary of Blackbird Close. Given that this driveway abuts the boundary wall/fence with the property on its southern side, I cannot see how any such landscaping can be achieved without narrowing the driveway itself.

'plot 3 redesigned and moved to the east' - this now puts plot 3 entirely to the front of my property. Have any right to light drawings been commissioned ? Again I still stand by my previous comments of a two storey dwelling constructed at the higher FFL will by imposing, overbearing and overlooking considering it is proposed to be sited nearer than plot 2 of H02-0899-22; an application for bungalows which was dismissed on appeal for such said reasons.

'MB/18/D' appears as BC/18/D in drawing form and 'MN/19/D' appears as BC/19/D in drawing form. Incidentally there are two versions of BC/19/D one with a roof light above the landing area and one with a traditional window.

'BNG trees added to the main site' - these trees are now positioned to the south and south east of my boundary wall along my rear garden boundary. The proposed species have a maximum height of 10 meters (crategeous monogyna/hawthorn paul's scarlet) and 15 meters (sorbus auparia/rowan). Incidentally there is currently a steel fence located within this area of proposed dense planting. There is also an indication to plant a native tree close to my front house wall (again on the southern boundary). My concern here is two fold - 1) if the trees are allowed to reach full height the impact on light into both the garden and property at both the front and the rear and 2) my insurers have issues with trees being located so close to my property particularly between the front of my property and plot 3; I can provide you with details if so required. In addition to this I must reiterate the location of the gas main in proximity to the proposed planting at the rear of plot 1.

Plot 3 and it's garden (identified on the drawings as land to be owned by plot 3) includes the site of the workshop area for the former engineering works which previously existed on site. Emails and correspondence between planning officers and planning agents as far back as 2019 indicate that any future development of this frontage plot (i.e. the site in question) should be subject to a full land contamination report. Can you please confirm to me that this will be the case?

In previous communication I remain concerned with regard to the height at which these properties need to be constructed and the potential flood risk to myself with regard to the run off of water.

7.0 CONSIDERATIONS

7.1 Planning Considerations

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
- Foul and Surface Water Drainage
- Biodiversity.

7.2 Evaluation

7.3 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.

7.4 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.

7.5 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.

7.6 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Development 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.

7.7 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.

7.8 Principle of Development and Sustainability

7.9 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.

7.10 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.

7.11 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.

7.12 Crowland is described within the local plan as a 'Main Service Centre' and within such areas, Policy 1b of the South East Lincolnshire Local Plan (2019) states:

Within the settlement boundaries of the 'Main Service Centres' (as shown on the Inset Maps) 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.

7.13 The application site is located wholly within the settlement boundary for Crowland and the proposal is therefore considered acceptable in planning principle, in accordance with Policy 1 of the South East Lincolnshire Local Plan (2019).

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 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.

7.18 These policies accord with the provisions of the National Planning Policy Framework (December 2024) and requires 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.

- 7.19 The proposal is for three detached dwellings, all of two storey scale. Plots 1 and 2 would offer an active frontage along Peterborough Road and this would be in-keeping with the wider street scene. Plot 3 comprises back land; however, there are a number of similar examples of this type of development in the area. Some dwellings are located to the rear of frontage properties on Kennulphs Close. There are also large back land dwellings located to the east of the application site, as well as opposite the application site on Peterborough Road.
- 7.20 The application has been subject to a planning committee deferral. Subsequently the applicant has amended the scheme, which includes changes to plot 3 and a greater amount of rear amenity for plots 1 & 2 and improved parking to the front.
- 7.21 The application site currently represents a 'negative space' in architectural terms. It allows vistas from Peterborough Road towards the back land developments in the area. It is considered that the reinforcement of the frontage would represent a move toward good urban form, reinforcing the rhythm of frontage dwellings that present to the main road. The site is infill and brownfield and this type of development, in this location, is succinct with the aims of the local plan and national policy.
- 7.22 The area is subject to a broad housing mix, and therefore this allows developers flexibility in design terms. The scale and siting of the proposed dwellings are considered acceptable, and broadly commensurate with those around. The applicant has not put forward a schedule of materials and these will be conditioned, to ensure their acceptability.
- 7.23 On this basis, 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).
- 7.24 Impact on Residential Amenity/Land Users
- 7.25 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.
- 7.26 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 7.27 Policy 30 of the South East Lincolnshire Local Plan (2019) deals with pollution, one of which is noise and is also relevant to this case.
- 7.28 The proposal for plots 1 and 2 are set back within the plots offering a softer frontage. They are set back slightly from the frontages of numbers 4 and 8 Peterborough Road, and given they do not propose any side openings (other than one serving bathrooms that will be fully obscured) and retain a sufficient separation distance, the proposed dwellings are acceptable in regards to overshadowing, overbearing and overlooking impacts.
- 7.29 Plot 3 is located at the rear of the frontage plots; this dwelling is separated by a detached garage, which eliminates the potential for overlooking from plot 2, and whilst plot 1 does retain views into the rear amenity space of plot 3, the separation distance, which has now increased as well as a condition on boundaries, would allow this relationship to be acceptable.
- 7.30 Plot 3 is positioned so that the rear faces towards the space between numbers 4a/4b and the rear of 4 Peterborough Road/ Kennulphs Close. The rear elevation has a single opening serving

a hallway. Given this looks down a private drive (and views of dwellings on Kennulphs Close are obscured), this is considered acceptable. A condition removing the ability to install any further opening on the rear elevation of this dwelling at first floor will be attached.

- 7.31 An objection has been received by a resident stating that the dwelling will give rise to overbearing/shadowing impacts. Whilst plot 3 is to the south of existing dwellings, it is not directly behind; furthermore, this arrangement is made more acceptable by the fact that this is a rear to side relationship. It is considered that due to the orientation and separation distances from the properties on Kennulphs Close, as well as the removal of permitted development for the insertion of new openings at first floor (of the rear elevation), the proposal would be acceptable as regards its impact upon both neighbouring and future residents and that the level of impact in relation to neighbouring amenity is not at such a level that would warrant refusal.
- 7.32 All other dwellings are considered to be at an acceptable separation distance from the development as to not be impacted upon to an unacceptable extent. The updated site plan does not contain information on levels, and these will be secured through a planning condition.
- 7.33 Lastly comments have also been received as regards overshadowing from the proposed BNG gain. This is discussed further within the Ecology section. Ultimately the applicant has demonstrated that a 10% gain can be achieved, but the attachment of condition will allow the LPA to seek a more suitable solution that considers the impact upon neighbouring amenity.
- 7.34 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).
- 7.35 Highway Safety and Parking
- 7.36 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".
- 7.37 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted, subject to sustainable development considerations being 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.
- 7.38 Furthermore, 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.
- 7.39 Lincolnshire County Council, as Local Highway Authority, have been consulted as part of this application and have no objections to the proposed development, considering the access and visibility safe in highways terms. Despite a telecom pole existing close to the proposed access, Highways have not suggested that this would hamper visibility.
- 7.40 As detailed, Highways have no objections to the proposed access arrangement nor to the level of parking proposed. Plots 1 and 2 both have three number spaces, with the addition of a garage. Plot 3 has two number spaces (also a garage) and is shown to be a 3-bedroom dwelling. Furthermore, the proposed parking provision also meets with the requirements set out under Annex 6 of the South East Lincolnshire Local Plan (2019). Highway comments are confirmed to also apply to this updated scheme.

- 7.41 In addition, Highways have recommended a list of informatives which will be attached to any permission.
- 7.42 Given the changes to the plans and the distance for the occupants of plot 3 to take their waste, a condition will be applied (to that plot) that details of refuse collection shall be submitted to and agreed in writing prior to the first occupation.
- 7.43 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 of the South East Lincolnshire Local Plan, and Section 9 of the National Planning Policy Framework (December 2024).
- 7.44 Flooding Considerations
- 7.45 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".
- 7.46 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".
- 7.47 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).
- 7.48 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.
- 7.49 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)".
- 7.50 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.
- 7.51 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.
- 7.52 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. Furthermore the proposed finished floor levels are proposed to be set at 2.6m AOD this appears to be above the necessary requirements when looking at the existing site levels plan and so in the interests of amenity the levels will be controlled by condition for further

consideration.

- 7.53 The application site is located within flood zone 2 in accordance with EA Flood Maps for Planning. It is however located predominantly within a 'white cell' area and partly a 'low hazard' area on the 'Residual Flood Hazard' Map for Crowland (present day). Given that the majority of the district is in flood zone 3 and that the application site is low hazard, it is unlikely any more preferable sites would be found. Being located in Crowland it is also in a location that supports this type of development.
- 7.54 In terms of the drainage strategy, given the amended plans, both foul and surface water drainage will be conditioned so it can be first agreed in writing with the local planning authority. Furthermore, the site levels are not shown on the updated block plan and will therefore be conditioned.
- 7.55 Overall, when considering the development on balance, it is considered that the proposal would accord with Policy 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.
- 7.56 Biodiversity
- 7.57 Policy 28 of the South East Lincolnshire Local Plan (2019) is concerned in part with BNG and 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.
- 7.58 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.
- 7.59 "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".
- 7.60 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.
- 7.61 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.
- 7.62 Having reviewed the submission, where 20 medium trees are proposed within the blue line boundary, the ecologist confirms that this is sufficient to achieve the 10% net gain. However, the location of this gain, gives rise to other planning considerations (in this instance amenity implications). On this basis, the capture of the BNG needs to remain flexible.
- 7.63 Whilst the LPA acknowledge that a mandatory gain can be achieved, the intention, given the other planning implications that the location and type of BNG uplift gives rise to, is to apply the Biodiversity net gain condition and HMMP Plan. This gives the LPA the ability to review alternative solutions to achieving the necessary BNG, whilst at the same time protecting

neighbouring amenity. It also does not discount the purchase of off-site credits if BNG cannot be provided across the site.

7.64 On this basis the proposal would accord with Policy 28 of the South East Lincolnshire Local Plan (2019) and is considered acceptable.

7.65 Other Matters

7.66 Lincolnshire County Council Historic Places Team have requested that conditions relating to archaeology are applied to any permission that may be granted. Given the lack of information regarding this topic this request is considered reasonable, and the condition will be attached to any permission.

7.67 **Planning Balance**

7.68 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.

7.69 The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, 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.

7.70 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.

7.71 **Additional Considerations**

Public Sector Equality Duty

7.72 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.

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

7.74 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.

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

7.76 Human Rights

7.77 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).

- 7.78 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.

8.0 RECOMMENDATIONS

- 8.1 It is recommended that permission is granted, subject to the attachment of planning conditions.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- MB/03/C - Existing Location & Site Plan
- MB/05/F - Proposed Site Plan
- BC/18/D - Plot 3 Ground Floor Plan
- BC/19/D - Plot 3 First Floor Plan
- BC/20/E - Plot 3 Elevations
- MB/10/B - Ground Floor Plan - Plot 1
- MB/11/B - First Floor Plan - Plot 1
- MB/12/B - Elevations - Plot 1
- MB/13/B - Ground Floor Plan - Plot 2
- MB/14/B - First Floor Plan - Plot 2
- MB/15/B - Elevations - Plot 2

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

3. Before the commencement of the development hereby permitted beyond oversight, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the 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 and Section 12 of the National Planning Policy Framework, December 2024.

4. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and the proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

5. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

6. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved scheme. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording
 3. Provision for site analysis
 4. Provision for publication and dissemination of analysis and records
 5. Provision for archive deposition
 6. Nomination of a competent person/organisation to undertake the work
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Section 16 of the National Planning Policy Framework, December 2024. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

7. The applicant shall notify the Lincolnshire County Council Historic Environment Department, in writing, of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 6 above, in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Section 16 of the National Planning Policy Framework, December 2024.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

8. A copy of the final report required in connection with Condition 6 above shall be submitted to the Local Planning Authority and the Lincolnshire Historic Environment Record, within three months of the work being carried out.

The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with Section 16 of the National Planning Policy Framework, December 2024.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

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

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

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

10. Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.

B) Descriptions of the management operations necessary to achieving aims and objectives.

C) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.

D) Details of monitoring needed to measure the effectiveness of management.

E) Details of the persons responsible for the implementation and monitoring.

F) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To meet the requirements of mandatory biodiversity net gain and to ensure net gain in biodiversity is provided on site.

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

11. Prior to the occupation of the dwelling shown as Plot 3 on drawing number MB/03/C , full details of the arrangement for refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

12. Prior to the commencement of any development hereby permitted, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

13. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order), no window, dormer window, rooflight or other shall be inserted into the rear of the property shown as Plot 3 on drawing number MB/03/C, other than those illustrated on the plans and forming part of the application hereby authorised by this permission.

Reason: To prevent overlooking and to safeguard amenity of nearby occupiers, in the interests of the amenity of nearby residents.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

14. **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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Holland District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP before development is begun). This is over and above the information submitted and considered as part of this application, and will be required before development is begun, because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

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>.

For clarity, the Local Planning Authority do not consider that any of the exemptions apply in this case. As such, the development hereby permitted will 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.

15. 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. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to 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

16. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

17. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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>

18. 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>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Nick Atkinson , Lead Development Management Planner (Interim) - BBC & SHDC
Telephone Number:
Email: nick.atkinson@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

Agenda Item 6.

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 08 October 2025

(Author: Jacob Bryan - Planning Officer)

Purpose: To consider Planning Application H16-0846-23

Application Number: H16-0846-23

Date Received: 21 September 2023

Application Type: FULL

Description: New Shopfront - Retrospective

Location: 24 WINSOVER ROAD SPALDING

Applicant: Mr N Mohammed

Agent: Mr N Mohammed

Ward: Spalding Castle

Ward Councillors: Cllr G J Taylor

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0846-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application is being referred to planning committee following requests from members at Chairman's Panel.

2.0 PROPOSAL

2.1 This is a retrospective planning application seeking permission for a new shopfront at 24 Winsover Road, Spalding.

2.2 This full planning application is solely in relation to the new shopfront, in respect of the structural alterations, and this will be assessed against the relevant design policies within the South East Lincolnshire Local Plan, 2019 (SELLP).

3.0 SITE DESCRIPTION

3.1 The site is located within the defined settlement boundary of Spalding and lies just outside the Town Centre Boundary as outlined in the South East Lincolnshire Local Plan (2019).

No.24 Winsover Road is currently unoccupied with its most recent occupancy being a convenience store.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

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.

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development

National Guidance

National Planning Policy Framework (NPPF), December 2024

Section 12 - Achieving well designed and beautiful places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-0109-92 - Fascia Sign - Approved

5.2 H16-0108-92 - Change of use from T.G.W.U. office to licensed betting office - Approved

5.3 H16-0727-92 - Retain a receive only Satellite antenna - Approved

6.0 REPRESENTATIONS

6.1 Consultation Responses

No consultation responses have been received, beyond those provided by nearby residents.

6.2 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, three letters of representation have been received and are summarised as follows:

- The shop front needs to be put back as it was, in line with the shops either side. There is a trip hazard at the entrance now, with the slabs being put in the area where the previous window and door were. The previous tenant had no right to remove the shop front but the landlord must have known, given it wasn't an overnight change.
- The property is an older building and does not fit with the surroundings of the other bay fronted properties nearby.
- The property is now occupied by another shop with the stickers on the windows which prevent people being able to see what is for sale and is the same as the seven other shops along Winsover Road.
- The stickers look garish and the property is now sticking out and is not in keeping with the other businesses nearby.
- The work carried out has not been in keeping with this area of the road at all.
- The builders removed their materials and in fact everything was left in the area behind the property in a communal car park which was blocked because of the amount of rubbish.
- Where the bay window has been removed they have not fixed the floor to make outside of the property level and the outside lighting doesn't appear to be correctly installed.
- There were mice and rats seen in the area.
- There are people standing at the doorway and going onto the pavements which make you feel intimidated.
- Why are owners continually allowed to carry out work and not face any action - they have amended the front then asked for planning permission.
- You should stop allowing buildings and property owners to do the work then apply for the planning permission as they know they can appeal.
- The frontage should be put back to how it was
- The shop is closed now due to illegal trading of cigarettes. This new frontage should never have been allowed to happen

7.0 CONSIDERATIONS

7.1 Key Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/land users/land uses

7.2 Evaluation

7.3 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.

7.4 In this case, the adopted South East Lincolnshire Local Plan 2011-2036 (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.

7.5 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.

7.6 Planning Considerations

7.7 Principle of Development and Sustainability

7.8 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.

7.9 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.

7.10 Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Main 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.

7.11 The application site in this instance lies within Spalding, as detailed by Policy 1. Regardless of such, the proposal solely relates to a new shopfront for an existing commercial building and and previously established business along a main high street within Spalding and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

7.12 As such, the proposal is considered to be acceptable when viewed in principle, and is in accordance with the requirements of the South East Lincolnshire Local Plan (2019) . This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

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

- 7.14 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.
- 7.15 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.
- 7.16 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.
- 7.17 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.
- 7.18 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.
- 7.19 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.20 The previous shop front featured a brick bay window on the principal elevation, with a white uPVC frame. The walls were finished with a cream render on the ground and first floor. The door was also made from white uPVC with an advertisement running the full width of the building.
- 7.21 The retrospective new shop front removed the bay window, repositioned the front door and fundamentally altered the shop front on the ground floor. Upon its initial submission, alterations were made to the advertisements with various new vinyl stickers and a larger advertisement sign above; however these have since been removed due to the convenience store no longer being in operation. In any case, aspects of this assessment would be required in any subsequent Advertisement Consent application should this be required and would not be subject to assessment under this full planning application.
- 7.22 Bay windows are considered to be prominent within this section of Winsover Road, with the direct neighbours from No. 26 - 40 all featuring bay windows of similar designs. By removing this window, it could therefore be considered that the proposal alters the character of the building within its area. However, it is equally as important to note that there are many properties that do not include or feature bay windows within the surrounding area, and that this feature is not a vastly consistent design within the street scene or a visually important feature. As such, by removing the bay window, the building does not appear incongruous particularly as the direct neighbour (No. 28) has a flat front elevation which the application site now matches.
- 7.23 In removing this element, the shopfront has since changed from a cream render to a black metal design, with the front door also being moved from the side to a more central location.

Whilst some properties are made from mostly brickwork and some with render, there are also many buildings with their shopfronts being made completely from uPVC/metal in a single colour. It is therefore considered that there is not a consistent set design along Winsover Road and the new shopfront will look similar to others and should not appear incongruous or out of keeping. As such, the physical alterations to the shopfront are not considered to cause an unacceptable impact to the character of the area that warrant refusal of planning permission.

7.24 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal does not cause an adverse impact to the character or appearance of the area and is 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).

7.25 Impact on Residential Amenity/Land Users

7.26 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.

7.27 Policies 2 and 3 of the 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.

7.28 There shall be no unacceptable impact caused in respect of the amenity of neighbouring occupiers or land users. The proposal does not result in additional impacts through matters such as overlooking, as a result of the change to the shopfront within the principal elevation, with minimal additional outlook being provided as a result of the works. In any case, the existing bay window was located in a similar place, whilst also facing the public highway and other shops, resulting in no additional impact arising through loss of privacy as a result of the proposal. Similarly, no material overshadowing is in occurrence since this change, as minimal enlargement has occurred etc. The change is also not considered to be overbearing in any regard, nor in respect of the surrounding area, as the works are not significant and appears somewhat similar to other buildings along Winsover Road.

7.29 As detailed above, the scale and design of the proposal is considered to be such that there is 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 Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

7.30 Other Matters

7.31 When the application was first submitted, a large advertisement was indicated, as well as applied vinyl stickers. Throughout the course of this application and particularly over the past year, these features have been removed as the shop in which they advertised has closed down. In any case, advertisements of this regard would be subject to an assessment under an Advertisement Consent application should this be required. If any new advertisements are to be erected the applicant/owner is advised to contact the Local Planning Authority. These matters are not for assessment under a full planning application.

7.32 Furthermore, during previous meetings comments from Members suggested that the underside of the sign should be improved to cover up any loose wiring - this matter has previously been addressed with the applicant and the case officer inspected this matter during their most recent visit. This visit showed that there were currently black panels with light covering which has improved the overall finish of a previously poor design and ties the shopfront in with the rest of the road.

7.33 Overall, as the stickers and advertisement have been removed and the underside has been resolved; the application must now be assessed purely as a new shop front.

7.34 **Planning Balance**

7.35 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.

7.36 The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and causes no unacceptable impact on the highway, 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.

7.37 In this instance, there are no material considerations that weigh significantly against the proposal and as such, the planning balance is in favour of the development.

7.38 **Additional Considerations**

7.39 Public Sector Equality Duty

7.40 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.

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

7.42 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.

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

7.44 Human Rights

7.45 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).

7.46 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.

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:

- Location Plan
- Block Plan
- 003.25- 02 - PA1 - PRINCIPAL ELEVATION As Proposed

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

2. 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>

3. 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 application was submitted and made valid, prior to statutory BNG requirements were introduced.

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.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Nick Atkinson , Lead Development Management Planner (Interim) - BBC & SHDC

Telephone Number:

Email nick.atkinson@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A



SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 08 October 2025

(Author: Jacob Bryan - Planning Officer)

Purpose: To consider Planning Application H16-0687-25

Application Number: H16-0687-25

Date Received: 14 July 2025

Application Type: FULL

Description: Construction and operation of a micro energy storage project

Location: Sir Halley Stewart Playing Field Winfrey Avenue Spalding

Applicant: AMP Clean Energy

Agent: AMP Clean Energy

Ward: Spalding Castle

Ward Councillors: Cllr G J Taylor

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0687-25>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The land is South Holland District Council owned.

2.0 PROPOSAL

2.1 This is a full planning application for the installation and operation of a micro energy storage facility within the Sir Halley Stewart Playing Field, Winfrey Avenue, Spalding.

2.2 The proposed development would comprise the installation of a concrete plinth foundation, concrete slab, installation of the battery storage cabinet and associated equipment and the construction of a new 2.4m paladin fence surrounding the Battery Box.

2.3 The following extract from the planning statement submitted with the application sets out how the proposed energy storage facility works:

2.4 *A Battery Box is an ESS that imports electricity from the local electricity network when demand for electricity is low or when there are high levels of renewable energy available. It then exports that electricity back to the grid when required during periods of high demand. This provides a solution to the growing need for network flexibility and helps address grid reliability issues prompted by an increase of intermittent (wind and solar) generation of the electricity system.*

Each Battery Box connects into the low voltage (LV) electricity network, this is the lowest and most local point in the distributed system, where there is an increasing demand for electricity with the electrification of transport and heating systems. Stored electricity from the Battery Box will be exported and consumed locally.

3.0 SITE DESCRIPTION

- 3.1 The application site comprises a corner plot location, consisting of Kings Road and Winfrey Avenue, within the settlement of Spalding. The site is the Sir Halley Stewart Playing Field, which is home to Spalding United football Club.
- 3.2 The site, when viewing the Sir Halley Stewart Playing Field as a whole, is neighboured by residential properties to the east along Pinchbeck Road and adjacent the site to the north. Located adjacent the site to the west lies the Bus Station.
- 3.3 The application site lies adjacent to the boundary of Spalding Conservation Area.

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 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.

- 4.4
- 01 Spatial Strategy
 - 02 Development Management
 - 03 Design of New Development
 - 05 Meeting Physical Infrastructure and Service Needs
 - 29 The Historic Environment
 - 30 Pollution
 - 31 Climate Change and Renewable and Low Carbon Energy
 - 36 Vehicle and Cycle Parking
 - APPENDIX 6 Parking Standards

4.5 National Guidance

4.6 National Planning Policy Framework (NPPF), December 2024

- 4.7
- Section 2 - Achieving sustainable development
 - Section 4 - Decision-Making
 - Section 6 - Building a strong, competitive economy
 - Section 9 - Promoting sustainable transport
 - Section 10 - Supporting high quality communications
 - Section 12 - Achieving well-designed places
 - Section 14 - Meeting the challenge of climate change, flooding and coastal change
 - Section 16 - Conserving and enhancing the historic environment

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H16-0596-24 - Construction and operation of a micro energy storage project - Approved

6.0 REPRESENTATIONS

6.1 Councillor Ingrid Sheard

Please can it be ensured that the risk of these units has been fully assessed, ensuring fire precaution and control have been fully stipulated and will be enforced. This site is surrounded by residential dwellings, what will be the risk to residents should a fire break out and what measures have been put in place to ensure there is no risk to residents in and around the area.

6.2 Lincolnshire County Council Highways Authority

Recommendation No objection subject to:

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:

The proposal is for the construction and operation of a micro energy storage project. A construction management plan should be conditioned due to the location of the site being in a central location. The construction period is due to last four weeks and there are 6 HGV movements associated with the construction. 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 00:

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

Informatives:

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>

6.3 Lincolnshire Fire & Rescue

We would ask that all the below requirements are met to allow LFR to support the development:

As the UK moves toward more sustainable energy solutions, we are seeing increased use of Battery Energy Storage Systems (BESS), even at micro or small-scale levels. While this development is welcomed in principle, we must emphasize that even smaller-scale BESS installations present significant safety, environmental, and operational risks that must be appropriately mitigated.

Although Lincolnshire Fire and Rescue Service (LFR) is not a statutory consultee, the National Fire Chiefs Council (NFCC) encourages early and ongoing engagement with local fire services throughout the planning process, regardless of the scale of development. This is outlined in the government guidance on planning for renewable and low carbon energy.

The UK Government has now published health and safety guidance for this type of energy storage system. The guidance aims to improve the navigability of existing standards and provide a clearer understanding of relevant health and safety standards that the grid scale electrical energy storage system industry, which includes lithium-ion batteries, can apply to its own process(es).

Grid scale battery energy storage systems.

The NFCC has produced guidance for fire and rescue services, which gives recommendations on Grid Scale Battery Energy Storage System Planning. This guidance is based upon a range of supporting materials including academic research, national and international standards, case studies and industry guidance. It relates specifically to grid scale (typically 1 MW or larger) BESS in open air environments, using lithium-ion batteries.

LFR recognise that this is not a large BESS site however we would recommend the minimum safety standards to meet those in the NFCC guidance, especially around the design, construction and installation of the guidance. It is crucial that all fire can be contained to the BESS of origin, and we would recommend tests such as UL9540 / UL 9540A. As well as NES containers being fitted with an explosion protection or deflagration venting appropriate to the hazard and battery technology deployed.

The location for the BESS must comply with the NFCC guidance, is it especially important that no combustible material is adjacent to the BESS units and clear access is maintained. Areas within 10m of the BESS units should be kept clear of combustible vegetation and all other vegetation within the curtilage of the site should be kept in a condition such that it doesn't increase the risk of fire on the site.

Environment considerations:

Suitable environmental protection measures should be provided; this should include systems for containing and managing water runoff.

LFR would expect that any early engagement sent to us via the dedicated email address below, outlines how your proposed site meets the expectations of this guidance document. Once you have considered this document, and provided us with a detailed plan, the Service will be able to provide further guidance on your proposal.

Whilst every site is different the NFCC guidance will be used by fire and rescue services to evaluate the measures you propose. With early engagement and advice using the guidance, the risks posed to people, property and the environment can be planned for by you and control measures can be put in place to minimise disruption and harm to people, property and the environment.

6.4 Lincolnshire County Council Historic Places

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

6.5 South Holland District Council Environmental Protection

Provide additional data to enable a noise assessment to be made regarding potential impact to 39-43 Pinchbeck road. Although noise assessment for the BESS system is provided distance from source and background night time noise levels are not available to make proper assessment of potential impact.

No comments regarding land contamination.

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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.5 Principle of Development and Sustainability

7.6 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.

7.7 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.

7.8 The application site in this instance is within Spalding, a Sub-Regional centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of development within this location would typically be considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

7.9 As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact upon heritage assets, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

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

7.11 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.

- 7.12 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.
- 7.13 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.
- 7.14 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.
- 7.15 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.
- 7.16 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.
- 7.17 The application site, when taking account of the entirety of the Playing Field, lies adjacent to Spalding Conservation Area. Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.
- 7.18 The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
- 7.19 Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 7.20 In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through

Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.21 The proposed equipment would be located within the grounds of the Sir Halley Stewart Playing Field, abutting neighbouring properties set along Pinchbeck Road, whilst also being visible via a gate along King's Road. It would comprise a functional appearance, with the apparatus being enclosed by Paladin/wire mesh fencing.
- 7.22 Although partially visible from views through a gate to the playing field and means of enclosure, the micro energy storage facility would not detract from the visual amenity of the site or wider area. For the most part, the proposed development would remain screened, with the wider site being bounded by an established stone wall that bounds the entirety of the site. In addition, existing structures within the grounds would further lessen its visual prominence or impact, including from King's Road.
- 7.23 The development, given the screening of the site and location, would not give rise to any adverse impact upon the setting of the Conservation Area and as such, no harm is caused to the Conservation Area. This is further emphasised by its siting, being set well away from the boundary edge.
- 7.24 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 no harm would be caused to Spalding Conservation Area. Therefore, the proposal would be in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan and Sections 12 and 16 of the National Planning Policy Framework (December 2024).
- 7.25 Impact on Residential Amenity/Land Users
- 7.26 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.
- 7.27 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.
- 7.28 The application site comprises an existing Playing Field, the home of Spalding United Football Club. The site is bound along King's Road by a high block wall, enclosing the entirety of the proposed development site.
- 7.29 Residential dwellings lie within close proximity to the wider site, with residential properties lying to the north, fronting along the northern side of King' Road, and to the west along Pinchbeck Road, immediately beyond the siting of the micro energy storage facility.
- 7.30 In this regard comments were raised by South Holland's Environmental Protection, regarding the proximity of the micro energy storage box in relation to neighbouring properties; namely no.39-43 Pinchbeck Road, and the subsequent increase in noise from the resultant development.
- 7.31 Policy 30 of the South East Lincolnshire Local Plan (2019), in reference to 'pollution', details that: "Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:.... 5. noise including vibration".
- 7.32 In light of this, a detailed noise assessment was submitted by the applicants agent. This report concluded within its findings that the predicted specific noise level at the closest Noise Receptor to the Site is 33dBA, whilst the rating level has been determined at 36dBA.

- 7.33 Therefore 'on balance, owing to the low rating level, and the likelihood that baselines in the area are higher, SLR consider that there would be no noise impact in accordance with BS4142'.
- 7.34 Following receipt, Environmental Protection were re-consulted on the proposal and, in light of these findings, concluded that 'Following review of the SLR noise assessment 403.066391-00001 report I am satisfied that no adverse noise effects are likely from the installation of the battery box, to the residents of nearby properties'. It is therefore considered that there would not be any harmful increase in noise that would adversely impact nearby residents along Pinchbeck Road.
- 7.35 Furthermore, aside from potential noise impacts, due to the nature of the proposal, there would be no adverse or detrimental impact upon neighbouring residents in regard to material overlooking, loss of privacy or an overbearing nature, once implemented.
- 7.36 Overall, the proposal would not give rise to an unacceptable adverse impact upon the residential amenities of neighbouring occupiers.
- 7.37 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).
- 7.38 Highway Safety and Parking
- 7.39 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".
- 7.40 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.
- 7.41 The proposal is for the construction and operation of a micro energy storage facility. The land is not public highway, being within the Sir Halley Stewart Playing Field. The development is essentially for a battery box that will provide low carbon electricity and the development will be enclosed by fencing.
- 7.42 Construction would take approximately 4 weeks with the electrical equipment being manufactured off site and lifted into position on the concrete plinth before the electrical connection is completed. The development proposes to use the existing accessway with traffic generation during construction and operation remaining minimal. A total of 6 HGV movements are suggested (3 arrival and 3 departures), the volume of trips generated by the site during construction will be negligible. The proposal will not have any adverse impact on the public highway.
- 7.43 It is noted that whilst Lincolnshire County Council Highways have raised no objections to the scheme, they have requested a Construction Management Plan and Method Statement be submitted and approved in writing. Given the minor extent of development and limited construction movements, it is considered, in this instance, when also taking account of the location of the proposal, that such a condition would not be required.
- 7.44 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).

7.45 Flood Risk

- 7.46 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".
- 7.47 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".
- 7.48 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.
- 7.49 It is important to note that paragraph 176 of the National Planning Policy Framework (December 2024) details that "Applications for some minor development and changes of use (footnote 62) should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63".
- 7.50 Footnote 62 details that "This includes... small non-residential extensions (with a footprint of less than 250m²)". As such, whilst minor developments must meet the requirements for site-specific flood risk assessments as set out within footnote 63, this proposal should not be subject to the sequential test, nor the exception test, as outlined in Paragraph 176 and to be read in conjunction with footnote 62.
- 7.51 Notwithstanding this, 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.
- 7.52 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.
- 7.53 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.
- 7.54 In this instance, the proposed development comprises the construction and operation of a micro energy storage facility to serve the area. The development has been accompanied by a flood risk assessment, which identifies there is very low flood risk to the site through the following sources: sea or tidal, rivers or fluvial, surface water and overland flow, groundwater, sewers and water mains, reservoirs, canals and other artificial sources and infrastructure failure.
- 7.55 In discussion with the Environment Agency, it has been concluded that the view is that as this ESS will store additional electricity, and due to the small size, failure of this development will have limited impact on the local network.

- 7.56 Overall, the flood risks present on site are very low and development on the site will be 'safe' in flood risk terms throughout its lifetime without increasing flood risk elsewhere.
- 7.57 Overall, when considering the development on balance, it is considered that the proposal would not comprise 'Essential Infrastructure' and it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2024) in this regard.
- 7.58 Biodiversity Net Gain
- Section 15 of the National Planning Policy Framework (NPPF) 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.
- 7.59 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.
- 7.60 "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".
- 7.61 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.
- 7.62 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.
- 7.63 For applications that are submitted prior to the introduction of this requirement, the development would be 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.
- 7.64 In this instance, a Biodiversity Net Gain Exemption Statement was submitted with the application. It is considered that the application is subject to the de minimis exemption, due to the proposal not impacting a priority habitat and the development impacts less than 25 square metres of onsite habitat.
- 7.65 **Planning Balance**
- 7.66 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.

- 7.67 The proposal represents appropriate development within 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 and the provisions of the National Planning Policy Framework when viewed as a whole.
- 7.68 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.
- 7.69 **Additional Considerations**
- 7.70 Public Sector Equality Duty
- 7.71 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.
- 7.72 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.73 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.
- 7.74 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.75 Human Rights
- 7.76 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).
- 7.77 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.
- 7.78 **Conclusion**
- 7.79 Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 5, 29 and 30 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). 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.

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 must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Plan 1 Rev A - Location Plan
- Plan 2 Rev B - Site Layout Plan
- Plan 3 - Paladin Fence - 3D Image
- Plan 4 - Elevations
- Plan 5 - Elevations
- Battery Noise Assessment - 11 November 2024 Revision: 3
- Flood Risk Assessment - July 2024
- Planning Statement - July 2025
- BNG Exemption Statement
- SLR Project No.: 403.066391.00001 Rev 01 - Noise Assessment - 8 September 2025

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

3. The materials 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. Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance.

Such scheme as is approved by the Local Planning Authority 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, in the opinion of the Local Planning Authority, 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, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

5. 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 subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

6. 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 development effects less than 25 square metres of on site habitat.

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.

7. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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>

Background papers:- Planning Application Working File

Lead Contact Officer

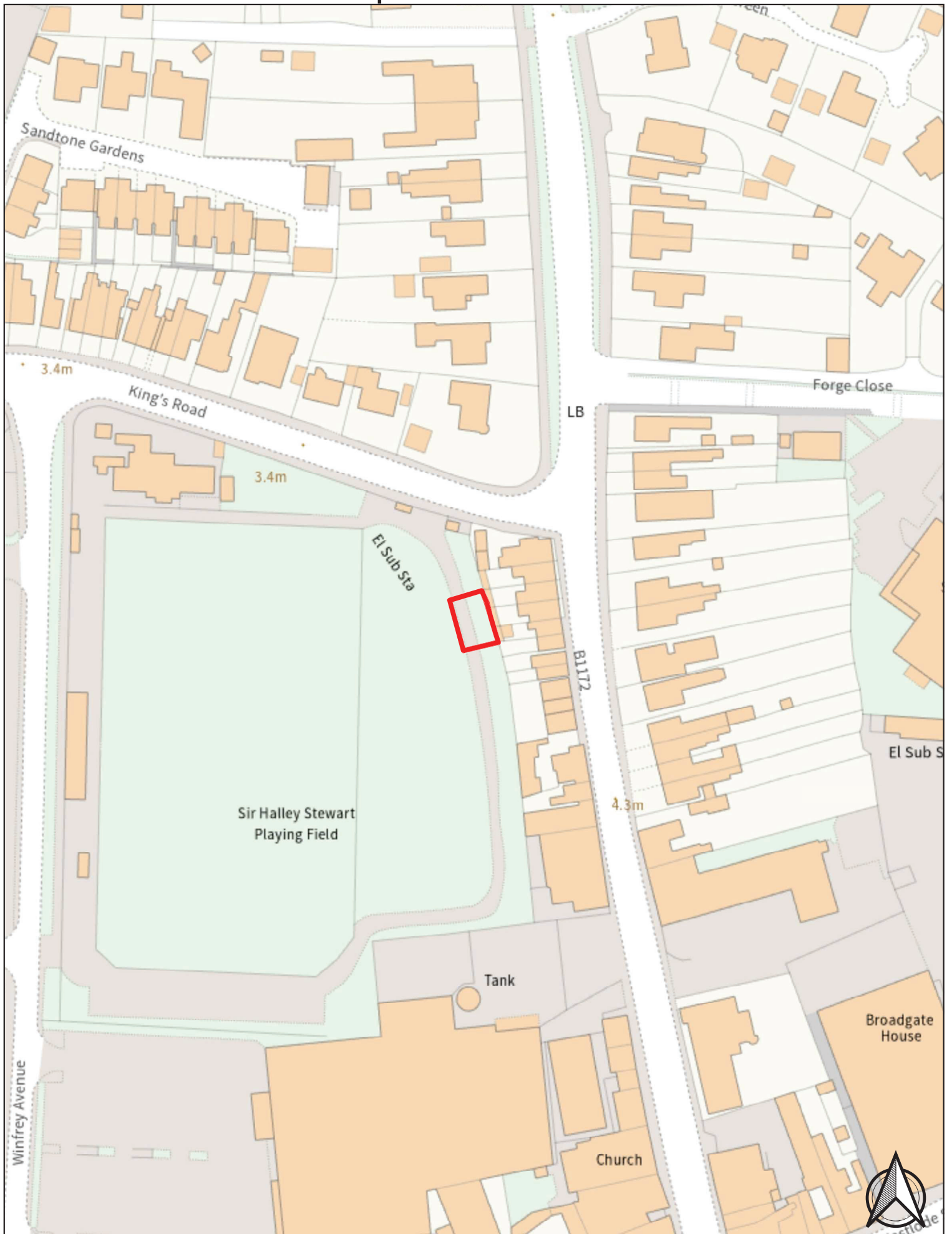
Name and Post: Nick Atkinson , Lead Development Management Planner (Interim) - BBC & SHDC

Telephone Number:

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Appendices attached to this report:

Appendix A Plan A



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South Holland District Council

Appeals for Committee

Report of: Development Manager
To: Planning Committee
Author: Nick Atkinson
Subject: Planning Appeals
Purpose: To provide an update on recent appeal decisions

OVERVIEW

Since the previous report, the following decision(s) have been received:

Appeals Dismissed: 3
Appeals Allowed: 1
Appeals Part Allowed: 0

Since the 1st April 2017 264 planning appeal decisions have been received of which 197 have been dismissed, which equates to a success rate of 74.62%.

PLANNING APPEALS DISMISSED

Appeal Information	Appeal Site	Officer	Outcome	Decision Date
1326 Mr K Greenhow H14-0300-25 APP/A2525/D/25/3369475	Green Gables (formerly Leasing Holme) Holland Chase West Pinchbeck Spalding	Oscar Patman	DISMISSED	10 Sep 2025
1322 Seagate Homes H09-0554-24 APP/A2525/W/25/3362446	Land off Damgate Holbeach Spalding	Oscar Patman	DISMISSED	15 Sep 2025
1324 Seagate Homes H09-0813-24 APP/A2525/W/25/3364588	Land South of Tudor Lodge Fen Road Holbeach Spalding	Mark Niland	DISMISSED	17 Sep 2025

PLANNING APPEALS ALLOWED

Appeal Information	Appeal Site	Officer	Outcome	Decision Date
1316 Mr T Wiltshire	The Smallholding Green Dyke	Oscar Patman	ALLOWED	22 Aug 2025

H12-0168-24	Lutton			
APP/A2525/W/24/3358030	Spalding			

PLANNING APPEALS PART ALLOWED

None

ENFORCEMENT APPEALS DISMISSED

Appeal Information	Appeal Site	Officer	Outcome	Decision Date
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ENFORCEMENT APPEALS ALLOWED

None

Lead Contact Officer

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 nick.atkinson@sholland.gov.uk