

Present:

Chairman: Councillor David Middleton

Vice-Chairman: Councillor David Scoot

Councillors: Alison Austin, Peter Bedford, Dale Broughton, David Brown, Anne Dorrian, Barrie Pierpoint, Claire Rylott, Suzanne Welberry and Stephen Woodliffe

Officers: Assistant Director – Planning & Strategic Infrastructure, Deputy Development Manager, Senior Planning Lawyer, Senior Planner, Senior Planning Officer and Democratic Services Officer

**184 APOLOGIES FOR ABSENCE**

Apologies for absence were tabled by Councillor Lina Savickiene with Councillor Jyothi Arayambath substituting and by Councillor Sarah Sharpe with Councillor Helen Staples substituting.

**185 MINUTES**

With the agreement of the committee the Chairman signed the minute of the previous meeting.

**186 DECLARATIONS OF INTEREST**

Standing declarations of interest are tabled for Members of the Planning Committee who are also:

**Members of Lincolnshire County Council:**

Councillor Alison Austin

**Members of the South East Lincolnshire Joint Strategic Planning Committee:**

Councillors: Peter Bedford and David Middleton.

**Representatives of the Drainage Boards:**

Councillors Peter Bedford, David Middleton, Chris Mountain, Claire Rylott, David Scoot, and Suzanne Welberry

No individual declarations of interest were tabled.

**187 PUBLIC QUESTIONS**

No public questions were tabled

**188 PLANNING APPLICATION B 24 0115**

**Erection of 4no. two storey dwellings in accordance with amended plans received by the LPA on 31 May 2024 to vary the site boundary to allow for a future pedestrian and cycle path on the east side of the site.**

**Land off Wash Road, Kirton, Boston PE20 1QJ.**

**Seagate Homes**

The Senior Planning Officer presented the application and confirmed it had been called in by the Ward Member Councillor Ralph Pryke to allow a public discussion of planning considerations including highways and local road congestion, access arrangements, layout, and overdevelopment of the site.

The site consisted of 0.18 hectares of land immediately to the north of Wash Road c.60 metres east of its junction with the A16. A single storey building housing the New Life Church lay to the west with a commercial building to the east. On the south side of Wash Road was a car dealership which itself formed a part of the Kirton Distribution Park, a commercial/industrial park extending some 700m southwards and 350m to the east. The main access to the park, Avalon Road, joined Wash Road c.60 metres east of the present application site. The site was formerly occupied by a dwelling which was now demolished. The front and side boundaries included hedging and some trees. To the north was an area of land extending some 230 metres to Station Road on which planning permission had been granted for housing.

The topography was flat. Some old mapping had indicated a small land drain which ran along the eastern boundary, but it was not evident on the ground.

There were some protected trees on the land to the north, but those were not affected by the application. The proposal was for the erection of 4 no. detached two storey houses with access to Wash Road.

Committee were advised of the relevant planning history on the site. Planning application B/15/0503 for the demolition of an existing dwelling fronting Wash Lane and an outline application for up to 30 dwellings with consideration given to access off Station Road only (all other matters reserved for later consideration). This had been refused on 03/03/2016 but allowed on appeal on 28/03/2017. Planning Application B/19/0317 had been granted full planning permission for the erection of 31 no. dwellings following the demolition of an existing dwelling. The land included the present application site plus the area to the north stretching to Station Road. The final planning application was B/19/0317/CD1 which discharged Condition 16 of the above application regarding a construction management plan.

Public representation was received the Mr Michael Brathwaite the agent for the applicant which included:

Members were reminded that the site under consideration was part of a larger area which already benefitted from part implemented planning consent for 31 dwellings. Extant planning permission would deliver 8 dwellings in the same area, however unlike the application under consideration, access to those 8 dwellings would be via Station Road to the north of the site. In the event the application be approved, then a further application would be submitted to amend the original consent to reflect the reduced site area for the extended planning permission which would not result in more than 31 dwellings being constructed on the overall site.

The red line had been amended to allow for construction of a footpath link to the development in the wider area to Wash Road. It had not been part of the approved scheme for the 31 dwellings, but the applicant has accepted the request in response to Highways comments. The public footpath would be for pedestrian and cycle use only and only the four dwellings would have vehicular access to Wash Road. Whilst objections had been received in respect of increased traffic onto Wash Road, Highways had raised no concerns with a nett increase of 3 dwellings on the site. The layout of the dwellings would allow retention of all trees on the site frontage, which would be subject to pollarding to reduce the canopy and gaps in the privet hedge would be used where possible, to access the proposed development to reduce any loss of hedgerow. The retained trees and limited loss of hedgerow would reduce the impact of the site when viewed from Wash Road.

No questions were tabled by members of the committee in respect of the representation received from Mr Braithwaite.

Representation was received by Parish Councillor Christopher Astill on behalf of Kirton Parish Council which included:

Voicing concerns Councillor Astill provided a brief history of the Business Site adjacent to the application site and referenced a property on the application site 'Holme Leigh,' which had been subject to such concern in respect of the potential impact of noise disturbance on that dwelling from any proposed businesses on that site, that it was deemed the property needed to be demolished or relocated, prior to the Business Site being developed. However, no such noise concerns appeared to have been raised on the application under consideration. Further concerns noted included the significant increase in traffic on all the roads surrounding the application site since the initial application for the development, along with the access/egress onto Wash Road, together with concerns at the change in layout of the dwellings under consideration with changes to the gardens and the close proximity of the dwellings. Members were asked to consider the four houses not being accessed from Wash Road which would solve the issues of the entrance direct onto Wash Road.

No questions were tabled by members of the committee in respect of the representation received from Councillor Astill.

Representation was received from Ward Member Councillor Ralph Pryke which included:

Councillor Pryke confirmed that he had been aware of the plot of land for the designated 31 houses over time and had observed discussions in respect of the site at the Parish Council and had also spoken about the site and the application under consideration with residents on Station Road and elsewhere in Kirton. Residents' concerns had included the increase in traffic the site would generate with the reality of two cars per dwelling, and the impact of that traffic at key times through the exit onto Station Road and causing congestion on Station Road, Horseshoe Lane and at the roundabout. Committee were advised residents had suggested that an arrangement might be possible with the New Life Church to permit access to the site from their land. Further concerns noted the growth on the Business Site which had generated significant traffic as a major employment site whereby workers were dependant on vehicle transport as the site was a long way from any public transport points. Noting the site of the proposed eight

dwelling had required measures to lower the impact of noise from the Business Site on those eight dwellings, Councillor Pryke questioned why the four dwellings under consideration on the same site, had not been subject to such noise reducing measures. Concluding Councillor Pryke advised that the key concerns of residents were the application was another small development for houses only, with no social housing element. There would be no contributions to any of the local amenities, resulting in increasing strains in the locality including schools and medical services and Kirton has a growing village with many housing developments, many of which would not be contributing to their impact on the community.

No questions were tabled by members of the committee in respect of the representation received from Councillor Pryke.

Committee deliberation followed which included the following supported by officers' responses where required:

Initial questioning noted the concerns of both the Ward and Parish Councillors at the lack of consideration in respect of the significant impact of noise levels from the neighbouring Business Park on the four dwellings.

The Senior Planning Officer advised that notwithstanding the history of the site, the application was considered in terms of its own merit. The Council's Environmental Health Team had been consulted on the application and had raised no concerns. Referencing the New Life Church on the eastern side of the site, members were advised that any noise from there would be contained within the building itself, with further community buildings being built on the site that too would not be noise generating due to activities taking place inside the buildings. The Jaguar dealership to the south side of Wash Road had its car parking shielded by the building itself. As such, there was no big industrial noise on the site – no generators of heavy outside plant movements and therefore it would not have been reasonable to install any attenuation measures.

In response to a question raised querying the increase in occupancy on the Business Site since 2016 as expansion needed to be a consideration, the Senior Planning Officer advised that whilst he did not have that information to hand, the site was not yet fully built out and would continue to grow to the South of the Jaguar dealership. In response to a further question the Senior Planning Officer confirmed that Seagate Homes did have the option on all 31 dwellings and not just the four under consideration.

Seeking clarification of the lack of any biodiversity requirements within the report, the Senior Planning Officer confirmed that the application had been exempt due to the date that it was submitted from the new National Biodiversity Regulations. Officers were unaware of any protected species on the site which until recently had been a domestic garden.

**RESOLVED:**

**That the committee approve the application in line with officer recommendation, subject to the conditions and reasons as identified within the application submitted:**

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

**Reason:** Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby permitted shall only be undertaken in accordance with the following approved plans:

- Drawing No. 564-39\_PL\_DD01 Proposed Boundary Treatments
- Drawing No. 564-39\_PL\_GA01 HTA - Plots 1 & 2
- 564-39\_PL\_GA02 HTB - Plot 3
- 564-39\_PL\_GA03 HTB (handed) - Plot 4
- 564-39\_PL\_GA04 Proposed Garage Designs
- 564-39\_PL\_LP01 Location Plan
- 564-39\_PL\_LP01 Rev B Location Plan
- 564-39\_PL\_SP01 Rev B Existing Site Plan
- 564-39\_PL\_SP02 Rev C Proposed Site Plan

**Reason:** To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

The development hereby approved shall be undertaken in complete accordance with the recommendations for flood resilient construction and finished floor levels set out on pages 14 & 15 of the Flood Risk Assessment forming part of the approved application. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

**Reason:** In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019.

The development shall be implemented in accordance with the scheme of landscaping shown on dwg. no. Site Plan 564-39\_PL\_SP02 revision C including the retention of existing trees and hedges as indicated. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

**Reason:** To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

Where trees are shown on dwg. no. Site Plan 564-39\_PL\_SP02 revision C to be retained on site they shall be protected prior to and during construction work as follows:

- i) tree protection measures shall be provided around the trees to be retained before any development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees.
- ii) No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made.
- iii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.
- iv) no services shall be routed under the spread of the crowns of the trees to be retained.
- v) no retained tree shall be cut down, up rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;

- vi) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

**Reason:** To ensure the protection of trees on the site in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2023.

Prior to any development above the level of the damp proof course a schedule of external materials and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials so approved.

**Reason:** In the interests of the appearance and character of the development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010) and Policy 31 of the South East Lincolnshire Local Plan (2019).

The person carrying out the work must inform the Building Control Body that this duty applies.

**Reason:** To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.

Prior to any works above the level of the damp proof course full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the calculations undertaken to determine the volume of storage required. Soakaways shall be built to accord with the standards set out in document BRE365. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration.

The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

**Reason:** To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework 2023.

Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.

**Reason:** In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means 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.

Biodiversity net gain does not apply to applications for reserved matters.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

### **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>.

#### **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.

#### **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.

### **189 PLANNING APPLICATION B 24 0087**

**Approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) following outline approval B/23/0172 (extension to existing business including the erection of a storage building, new vehicular access, and associated parking areas)**

**Reed Point, Spalding Road, Sutterton, Boston, PE20 2EP**

**Mr Richard King, Envirotyre UK Ltd**

The Senior Planning Officer presented the report and advised committee of two updates to the report tabled, both requested by Lincolnshire County Council Highways. The first being an additional condition in relation to maintain the height of the boundary treatment and a second additional condition for the installation of a 2-metre-wide footway to connect the sites.

Members were advised that the application had been called-in by Councillor James Cantwell who had cited concerns in respect of significant visual impact contrary to Policy 2 points 1, 4, 7 and Policy 3 point 1. Further concerns cited also included a lack of suitable parking and turning space. Drainage of the site being of paramount importance due to flooding in the vicinity and finally assessment against policies 2,3, and 4 of the Local Plan.

The site was a small field located outside the village of Sutterton, close to the A17. The site was a triangular piece of grassland, wider to the north, with a vehicular access and a small area of hardstanding towards the south of the site. The land was within flood zone 3 and was primarily within the Danger for Some hazard area with some small pockets of Danger for Most to the south of the site.

To the north of the site was primarily open agricultural land, with a ribbon of dwellings along Mill Lane extending north away from the northeast corner of the site and a cluster of 5 dwellings on Reed Point, which was a private access opposite Mill Lane. To the west was a site owned by Anglian Water. Along the east of Spalding Road were a pair of commercial sites, including Envirotyre to the southeast, accompanied by individual dwellings in conjunction with those uses. The site's last lawful use is agricultural but there has been some intermittent storage of vehicles in connection with the Envirotyre site. The proposal sought reserved matters approval for the access, appearance, layout, landscaping, and scale in connection with the erection of a storage building, granted outline planning permission under reference B/23/0172. The proposed building would be approximately 6.75m to the ridge and 4.75m to the eaves, and it would be 45m x 60m, giving an internal floor area of 2672m<sup>2</sup>. The proposal includes tree planting along the boundary with Spalding Road with a group of trees in the north east corner by the existing dwelling and at the southernmost point of the site, it also includes a new hedgerow along the northern boundary and along Spalding Road. Two additional plans had been submitted following consultation responses from the highway authority showing a swept path analysis for HGV's entering, leaving and manoeuvring within the site and a plan detailing the level of parking provided on the site.

Representation was received in objection to the application by Ms K Edwards which included:

Confirming she was speaking on behalf of neighbours at Reed Point, Ms Edwards advised that their concerns were in respect of the size, scale and appropriateness of the development which would have an ongoing impact on other things in the area. Further concerns had been voiced at the impact of the larger building on flooding and drainage of the site as the site was in flood zone 3, and at the environmental impact of any light pollution on wildlife within the site which was a habitat for birds and bats. Mindful of the lack of objection by LCC Highways, members were advised that residents had ongoing concerns in respect of traffic in the vicinity of the site and although the access had been moved, there were issues of HGV's travelling through the village and historically a number of accidents at the junction of the A17. Concluding their representation, Ms

Edwards noted that residents were very concerned at the tyre recycling and did not want to see tyres stored so close to their properties due to the fire risk of the product. They felt the business had outgrown the site on the edge of the village and it would have a visual impact on the village.

Member questions were tabled to Ms Edwards who responded as follows:

In response to a question querying any issues residents had with the operation of the company on its current site, Ms Edwards advised that there had been issues with very bright lighting impacting on a neighbour and also with HGV's going through the village when they were not supposed to. Furthermore, residents felt that the company had not been very sympathetic to residents historically when residents had tried to liaise with them. Ms Edwards stressed that residents were not opposed to or had any issues with the actual business itself, but with future housing in the village planned, felt that the business had out grown the site and a more suitable location could be found.

The Senior Planning Officer confirmed that drainage was an outline consideration and whilst a SUDs scheme not yet been received, even if it had it could not be discharged by the application under consideration. It would require a separate discharge.

A preliminary ecology assessment had been carried out at outline stage and had not identified any protected species. Recommendations for mitigation had been primarily bird boxes which were on the layout presented.

A condition was in place in respect of lighting and all details of the lighting would be required upfront before any installation began.

An expansion of the waste process from the main site would require a separate application to Lincolnshire County Council who were the waste authority.

Representation was received from Mr A Clover the agent for the applicant which included:

Referencing the outline permission already granted in December 2023 by officer delegation, Mr Clover voiced his surprise at this application coming to committee for determination and for the reasons noted for the Call-In which were all controlled by conditions.

Visual impact and the floor and ridge heights had been considered acceptable at outline along with a robust landscaping scheme.

Flooding and drainage were not a material consideration for this application and as an update, members were advised that work was ongoing in the background in respect of drainage with percolation tests having been carried out. A scheme for sustainable drainage would be submitted.

LCC Highways had no concerns with the scheme and had supported the application with their request for a footpath being agreed in the outline application. There was adequate parking for both staff and HGVs with no issues in respect of manoeuvrability of any vehicles.

Offering some background Mr Clover advised that two local people who had extensive knowledge of the product, recognised the need for an outlet in Lincolnshire. Planning application had been granted in 2013 along with a robust EA permit allowing them to move to a purpose build site. Originally six members of staff were employed and that had now grown to 35 local people having employment at the site. The business now needed more storage and parking and to move to the proposed site over the road, due

to the owners having made unsuccessfully attempts to purchase land adjacent to the existing site.

Member questions were tabled to Mr Clover who responded as follows:

Committee were reassured that Envirotyre worked to strict rules and regulations and in compliance with a process governed by permit and regulated by the Council. The business served a genuine need in the area and had been successful but now struggled to operate on the existing site. The expansion would make the business stronger and operate better.

The proposed storage facility would accommodate both whole and bailed tyres which would be stored and then moved on from the site for recycling. Whilst the new facility would probably generate a minimum number of new jobs due to it being solely a storage facility, the other site could increase due to the re-structuring of the operation which could generate further employment.

Representation was received from the Ward Member Cllr James Cantwell which included:

Thanking the speaker who spoke in objection to the application, Councillor Cantwell advised her had heard from a number of residents with several valid reason of concern raised. He further noted that Sutterton Parish Council had objected to the application. Members were advised that whilst he was not in opposition to development on the land but wanted it to be sympathetic to residents and to be mindful of the landscape and heritage of the area. Citing a number of points within the report tabled members were referred to points which included 7.7 and 7.13, and advised that further detail was required, and that 7.16 be given due regard to avoid a haven for vermin. In relation to point 7.27 Councillor Cantwell advised he was not convinced that there was adequate room to manoeuvre on the site and in respect of point 8.3 stated that he disagreed the harm had been successfully mitigated and further work was required to achieve agreement by all parties.

Member questioning followed which included:

In response to a question seeking what experts had been sourced by Councillor Cantwell and the Parish Council to support the objections raised by Councillor Cantwell, committee were advised that none had been sourced. When asked if the objections raised were of Councillor Cantwell's own opinion, Councillor Cantwell agreed stating they were also based on the objections of the Parish Council and the residents.

It is recorded that Councillor Cantwell absented from the meeting at this part in the proceedings in line with the Planning Committee protocol.

Member deliberation followed which included:

Whilst noting their surprise at the application being tabled through committee with the outline permission already being in place, a member questioned the possibility of a further two conditions being added. One requiring the installation of a fire hydrant on the site and a second to require the installation of a sprinkler system within the storage building.

Members were reminded of how difficult it was to extinguish tyres once alight and reference was further made by another member to an historic tyre fire in Kirton which had burned for many days and had a significant effect on residents within that area.

In response to the suggestion a member stated they fully supported the recommendation as within the report, but advised they could not support the addition of the two conditions proposed. Members were advised that there was a very clear process for the disposal and recycling of tyres with the owners having to securing permits from the EA and they did not want to add additional costs onto the applicant unnecessarily.

A point of clarification was tabled by the Assistant Director – Planning who advised committee that whilst he understood the request for the additional conditions, he cautioned members to be very careful in making such a decision. Members were reminded that national guidance very clearly stated that where other permissive regimes were in place, planning would not be involved.

Councillor Peter Bedford who had moved the two additional recommendations, withdrew them at this point in the meeting, but requested full notation within the minutes of his initial motion and his reasons for the implementation of fire mitigation measures on the site.

#### **RESOLVED:**

**That the committee approve the application in line with officer recommendation, subject to the conditions and reasons as identified within the application submitted and subject to the additional two conditions tabled by the officer:**

The development hereby permitted shall only be undertaken in accordance with the following approved plans;

- Drawing No. 59024-01 (Site Location Plan)
- Drawing No. 59024-03 (Proposed Site Plan)
- Drawing No. 59024-04 (Proposed Floor Plan)
- Drawing No. 59024-05 (Proposed Elevations)
- Drawing No. ERPS-BSP-XX-XX-D-H-0001 Rev P01 Internal Layout & Parking Plan
- Drawing No. ERPS-BSP-XX-XX-D-H-0002 Rev P01 Swept Path Analysis Plan

**Reason:** To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

The materials to be used in the construction of buildings and hard surfaces shall be as specified on Drawing No. 59024-04.

**Reason:** In the interests of visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019

The scheme of landscaping and tree planting shown on drawing. no. 59024-03 shall be carried out and completed in its entirety during the first planting season following completion of the development. All trees, hedgerows, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

**Reason:** To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

Details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.

**Reason:** To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to prevent harm to protected species accordance with Policies 2, 3 and 31 of the South East Lincolnshire Local Plan, 2019.

The arrangements shown on drawing no. ERPS-BSP-XX-XX-D-H-0001 and ERPS-BSP-XX-XX-D-H-0002 for the parking, turning, manoeuvring, loading and unloading of vehicles shall be available at all times when the premises are in use.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.

Prior to the commencement of the development above slab level, details showing the arrangements for covered cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangement shall be implemented prior to the occupation of the dwellings and retained thereafter.

**Reason:** In the interested of amenity in accordance with Policies 7 and 36 of the South East Lincolnshire Local Plan 2019.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means 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.

Biodiversity net gain does not apply to applications for reserved matters.

**Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.**

### **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>.

#### 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.

#### 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.

The Meeting ended at 11.50 am