

**[07]** Full Planning Permission

S/045/01351/24 **APPLICANT:** Mrs. E. Willis,

**VALID:** 18/09/2024 **AGENT:** Lincs Design Consultancy Ltd,

**PROPOSAL:** Planning Permission - Erection of a bespoke dwelling with improvements to existing vehicular access.

**LOCATION:** LAND SOUTH OF BELVOIR LODGE, BLACKSMITH LANE, EAST KEAL

## **1.0 REASONS FOR COMMITTEE CONSIDERATION**

1.1 The proposal is referred to planning committee due to the significant level of public interest.

## **2.0 THE SITE AND SURROUNDINGS**

2.1 The site lies in the village of East Keal. It comprises part of a field set to grass which was previously used for grazing, its boundaries are defined by mature hedgerows and post and rail fencing. It lies on the south side of the A16 at the bend with Blacksmith Lane. The site has a vehicular access onto Blacksmith Lane, the barriers and chevron signs at the bends on the A16 run along the rest of the frontage. The site is triangular in shape, providing a narrow frontage to the A16 between Poppybank and Corckscrew Cottage, extending and widening in a southward direction. To the west the site extends along the length of Poppybank and its garden and also partly alongside a paddock behind. To the east it extends alongside Corkscrew Cottage as well as the field behind. A wooden pylon stands in the northern section of the site. A public footpath runs along the east side of the north section of the site, this turns east and cuts across the adjacent field. Further public rights of way are approximately 60m west and 240m south of the site. The topography of the site varies significantly, the land slopes from north to south by approximately 25m. The site also slopes from east to west by approximately 7m. The site lies in flood zone 1

## **3.0 DESCRIPTION OF THE PROPOSAL**

3.1 Planning Permission - Erection of a bespoke dwelling with improvements to existing vehicular access.

3.2 The proposal comprises the erection of a detached dwelling which uses the topography of the land. It comprises two elements, one at ground level (eastern component) and the other at the lower ground level (western element). These take the form of a traditional agricultural building. The lower ground level connects to a flat roof structure that is partially submerged to the east of the site. The building proposes energy saving and efficient measures and the supporting information sets out that it is to achieve a zero-carbon rating. The surrounds to the dwelling are to include

wildflowers and wild planting, as well as an orchard and vegetable garden. Improvement to the vehicular access are proposed and a driveway in the form of a sweeping track is proposed to lead to the dwelling.

#### **4.0 CONSULTATION**

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised, and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

##### **Publicity**

4.2 The application has been advertised by means of a press notice and site notice and neighbours have been notified in writing.

##### **Consultees**

- 4.3 PARISH COUNCIL – Object for the following reasons:
- Highways issues - Access (Blacksmiths Lane is one way, there is no access into the site from the A16), concern with regards construction traffic access, damage to Blacksmiths Lane, vehicles exiting the site will project headlights on to oncoming traffic on a tight bend, this section of the A16 is dangerous, an increase in the number of utility / delivery vehicles accessing the proposed site risks further accidents on the A16
  - Lack of privacy – overlooking of neighbours
  - Drainage – drainage at Hall Corner is reliant on the soakaway in the site remaining clear, the development may disrupt the soakaway.
  - Pedestrian Access – There are no footpaths on Blacksmiths lane which is accessed by residents, including the young and elderly. Access to the public footpath adjacent to the proposed site will also be affected by the building works, as well as the pavement passing in front of the proposed site.
  - Disruption - The disruption to residents in Fen Lane and Blacksmiths Lane, during the construction period would be disproportionate to the advantages gained from building one house.
  - Potential Risk to Corkscrew Cottage which is over 100 years old and built with very shallow footings & therefore at risk of subsidence.
  - Impact on the character of the area.

- 4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY – No objection subject to informatives.
- 4.5 ENVIRONMENTAL SERVICES (Environmental Protection) - No response received.
- 4.6 ENVIRONMENTAL SERVICES (Drainage) - No response received.
- 4.7 ENVIRONMENTAL SERVICES (Contamination) – Screening form requested. Completed and returned by applicant. Environmental services request a phase 1 report due to the proposed sensitive end use and the past use for agriculture.
- 4.8 ECOLOGY - No objection subject to condition

### **Neighbours**

- 4.4 1 representation of support received on the grounds of:
- Building of architectural merit would be an asset.
  - Advise making access for construction vehicles off A16 not Blacksmith Lane
- 15 representations of objection received on the grounds of:
- Village is not well served by transport links or services and facilities.
  - Impact on the character of the area/out of keeping (the AONB is mentioned, however the site is not in the AONB), design is out of keeping with other dwellings.
  - Impact on important views - this is a green field site giving rural views across the fens.
  - Impact on the setting of Corkscrew Cottage (not listed)
  - Impact on green space
  - Impacts on locally important habitats – the site has been left fallow for several years therefore it is significant for wildlife, survey submitted is inadequate.
  - Impact on neighbour amenity – privacy, house prices
  - Development is not infill, set back from the road.
  - Damage to neighbour dwellings during construction.
  - Vehicular access concerns given the A16 and one way system of Blacksmiths Lane, particularly during construction, feasibility of their access, mud on highway, camber of the road at the junction of A16 and Blacksmiths Lane is an added complication.
  - Fen Lane and Blacksmiths Lane are in a poor state of repair.
  - Turning into the site from Blacksmiths Lane is hindered by poles/signs.
  - Conflict with public right of way
  - Highlights of vehicles leaving the site will dazzle road users.
  - Implications for safety barrier on A16
  - Implications for the electricity sub-station and power lines at the entrance
  - Poor drainage at Hall Corner bend
  - Inadequate water supply
  - Archaeology

- Listed buildings are in the vicinity.
- Concern with regards the commercial element of the proposal including increase in vehicles, out of keeping with residential area [note: no commercial element proposed]
- No tree report submitted.
- Concern BNG will not be provided.
- Package treatment plant will harm local environment and wildlife.
- The site is close to a beck, planting may affect maintenance.
- Impact on nesting birds
- Land may be unstable.
- Potential for future development - Once an access road is approved, the remainder of the site will be accessible for future development with the potential to remove further wild hedgerows and potentially trees with TPOs.

4.5 The Ward Councillor is aware of the application via the Weekly List.

## **5.0 RELEVANT SITE HISTORY**

5.1 None.

## **6.0 PLANNING POLICY**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

### **East Lindsey Local Plan**

SP1 - A Sustainable Pattern of Places

SP2 - Sustainable Development

SP4 - Housing in Inland Medium and Small Villages

SP10 – Design

SP16 – Inland Flood Risk

SP22 – Transport and Accessibility

SP23 – Landscape

SP24 - Biodiversity and Geodiversity

SP25 – Green Infrastructure

### **National Planning Policy Framework**

Para 135

### **Background Documents**

Planning Practice Guidance

## **7.0 OFFICER ASSESSMENT OF THE PROPOSAL**

## **Main Planning Issues**

7.1 The main planning issues in this case are considered to be:

- **Principle**
- **Impact on the character of the area**
- **Impact on neighbour amenity**
- **Highway Safety**
- **Ecology**
- **Archaeology**
- **Land Contamination**
- **Foul and surface water disposal**

### **Principle**

- 7.2 The development strategy for the District outlines a hierarchical approach to the distribution of development to ensure that it is in the most accessible locations guiding new growth based on the capacity to provide and sustain a pattern of viable communities. The settlement pattern places settlements in the District into different categories based on the range of services, facilities and employment available to them. SP1 of the Local Plan identifies East Keal as a Medium Village.
- 7.3 SP4 of the Local Plan supports the provision of housing in an appropriate location within the developed footprint of a small or medium village as infill, frontage development of no more than 2 dwellings. The developed footprint is defined as the continuous built form of the settlement and excludes individual groups of dispersed buildings which are detached from the continuous built up area of the settlement. "Infill" is not defined within the Local Plan policy, nor is it defined within the NPPF, therefore, it is essentially a question of fact and planning judgement having regard to the location of the site and its relationship to other existing development adjoining and adjacent to it. The Collins English Dictionary defines infill as "the act of infilling or closing gaps etc. in something, such as a row of buildings". This is a reasonable definition and one taken by appeal inspectors.
- 7.4 The application is for a single dwelling in the built up part of the medium size village. The site comprises part of a field which lies between Poppybank and Corckscrew Cottage. It is triangular in shape offering a 15m wide frontage to part of the A16 and part of Blacksmiths Lane and widens to the south. The plans show one dwelling located centrally within the plot, it would be set back from the road to accommodate the wooden pylon which stands at the front (north) of the plot. The siting is also dictated somewhat by the design ethos which seeks to work with the topography of the site in order to offer a bespoke design. While the dwelling would sit back from the road further than Corckscrew Cottage, it would be alongside and beyond Poppybank, however the rear section of the building would be at a lower level due to the topography and thus less visible from the A16. Corckscrew Cottage lies on Blacksmiths, houses along this road sit close to the roadside and this forms part of the

character of that road, whereas Poppybank lies on the A16 where dwellings do not hug the roadside in the same manner. Dwellings sit at varying distances from the road, indeed Poppybank sits back from the road and at an angle to it. The application site lies between the two and would be seen in context with the A16 and as such it would not be out of place if it were positioned back from the road side. Moreover, the presence of the wooden pylon further reinforces the logic behind the siting. The proposed dwelling would read as lying between Poppybank and Corckscrew Cottage while accommodating the wooden pylon, in that sense it would read as an infill frontage development. The proposal therefore would meet SP4 insofar as it would provide infill, frontage development of no more than 2 dwellings within the developed footprint.

7.5 SP4 also requires that development should conform to Clause 2 of SP25 as well as be in an appropriate location, that is one which does not conflict, when taken as a whole, with national policy or policies in this Local Plan.

7.6 Policy SP25 states at section 2 that:

In the case of sites not identified on the Inset Maps, development will only be permitted on open spaces provided unacceptable harm will not be caused to their appearance, character or role in providing:

- the setting for a designated or non-designated heritage asset;
- an important element in the street scene or a well-defined visual relief in an otherwise built up frontage; particularly in the case of ribbon development extending into the countryside;
- a locally important habitat;
- a prominent site at the entrance to settlements that provides the setting for the built environment;
- a frame for or enabling an important view;
- a landscaped area forming part of structural open space within a development site;
- informal amenity or recreation space; or,
- formal public greenspace, such as parks and gardens and allotments.

7.7 The site does not form part of the setting for any designated heritage assets, nor is it designated as a locally important habitat. It is recognised that the site does not provide informal amenity or recreation space, formal public greenspace or a landscaped area within a development site. The site is not considered to form a prominent site at the entrance to the settlement although it does form part of the villages setting. Objections from neighbours and the Parish Council have raised concern with regards the impact on important views. The site is not a prominent one in the streetscene. The field itself has a relatively narrow frontage of 15m, this frontage is currently defined by a mature hedge but this is hidden from the streetscene by large chevron signs and a barrier at the road site. While the site does offer impressive view to the south, these are not perceived outside the site from the A16 of Blacksmiths Lane due to the presence of large highways signs and the narrow connection to the

street. The public right of way into the front section of the site does, however, enable people to enter the site and experience the open long-distance views and the rural surroundings which add to the village character. Conversely this green edge also forms part of the soft rural edge to the village when viewed from outside the village. However, it is important to note that the dwelling would sit partly in the landscape and the built form would be experienced as part of the built up part of the village which continues to either side of the site, the long distant views and openness on this village edge would be retained. Having regard for this, the development of the site would not remove a well defined visual relief from built form, nor would it remove a prominent site at the entrance to settlements or an important view.

7.8 Concern has been raised by neighbours with regards the artist studio, there is no indication that this is to be used on a commercial basis and open to the public as remarked by neighbours. The supporting information explains this to offer an adaptive work from home environment, offer a bright room for an artist to work. An artist painting from home would not typically be a material change of use from that of a dwelling and this arrangement would be no different to a home office. For the avoidance of doubt a condition could be included on a decision to control this.

7.9 It is therefore considered that the provision of one dwelling at the site in the manner proposed would be acceptable in principle, subject to details assessed below.

#### **7.10 Impact on the character of the area**

7.11 Policy SP10 of the Local Plan relates to design and sets out the considerations taking into account when assessing schemes. This Policy states that the Council will support well-designed sustainable development, which maintains and enhances the character of the District's towns, villages and countryside by in part, the use of high quality materials and where the layout, scale, massing, height and density reflect the character of the surrounding area.

7.12 Impact on the character of the area has been raised by local residents. It has been mentioned in objections that the site lies in the Area of Outstanding Natural Beauty, however it lies outside the AONB and is approximately 5.3km south of the boundary. Having regard for the scale of the proposal, given this distance it is unlikely to result in harm to the natural beauty of the AONB.

7.13 The proposal is for a detached dwelling which has been designed to work with the topography of the land. It comprises two elements, one at ground level (eastern component) and the other at the lower ground level (western element). These take the form of a traditional agricultural building. The lower ground level connects to a flat roof structure that is partially submerged to the east of the site. Both apex structures are of an agricultural style with red brick, timber cladding and profile roof

sheeting. The building proposes energy saving and efficient measures and the supporting information sets out that it is to achieve a zero carbon rating. The surroundings to the dwelling are to include wildflowers and wild planting, as well as an orchard and vegetable garden. Improvements to the vehicular access are proposed and a driveway in the form of a sweeping track is proposed to lead to the dwelling.

- 7.14 The dwelling would work well with the topography of the site and the two structures are positioned to accommodate the varied ground levels with the lower level nestling into the contours of the site. The contemporary flat roof structure would also be partially submerged. While the design ethos of the dwelling would allow the structure to blend in with the rural character. When viewed from the A16, Blacksmiths Lane and the footpath to the north and east, the dwelling would give the appearance of a modest simple structure of agricultural character with an unassuming appearance. It would not be unduly prominent and, through its design, it would reinforce the rural character of the village. Much of the bulk of the dwelling would be concealed through use of the changing land levels and the design concept. When viewed from the footpath to the south the dwelling would appear more imposing, however that is not necessarily a negative in terms of good design. The design is innovative and visually it is interesting. Notwithstanding this, when viewed from the south, the dwelling would be seen in the context with the row of dwellings within which it would sit. The plans also show consideration for the setting of the dwelling with the inclusion of the proposed orchard and wild flower meadow, through the proposed landscaped surroundings the dwelling would be integrated into its setting.
- 7.15 SP10 acknowledges importance of well-designed sustainable development, which maintains and enhances the character of the District's towns, villages and countryside. It also seeks to support development where it can demonstrate that its design incorporates sustainable features and/or renewables. The proposal put forward offers a high standard of design, which also picks up on distinctive rural characteristics of the locality. It is interesting and innovative in terms of visual design as well as energy saving and efficiency. The proposal would enhance the character of the area and would comply with SP10 of the Local Plan.
- 7.16 **Impact on neighbour amenity**
- 7.17 Policy SP10 requires that proposals do not harm any nearby residential amenity. This is reiterated by para 135 of the NPPF.
- 7.18 The proposed dwelling would lie to the southeast of Poppybank, this neighbour has objected to the proposal. The proposed dwelling would be 16m from Poppybank at the nearest point extending to around 22m. Due to the changing land levels Poppybank would sit higher than the proposed dwelling, the upper ground level of the proposed dwelling would lie on ground slightly lower than Poppybank and the lower ground levels would be significantly lower. Given this distance and the difference in land levels, the proposed dwelling would be unlikely to result in harm



to that neighbour's amenity by way of overbearing impact or overshadowing. The elevation facing towards Poppybank would comprise a relatively blank elevation at the upper ground floor. It would comprise the blank rear wall of the garage, a small utility room window, a high-level roof light to the W.C and a high level window to the office. Given the heights of the office and W.C windows these would not offer an outlook over the neighbouring property. The small utility window would be around 22m from the neighbour and thus unlikely to result in harm by way of overlooking. The lower ground floor windows would be at a much lower level than Poppybank and in excess of 20m from the neighbour at the nearest point, with most being much further. In view of this it is considered that the proposal would not result in harm to the amenities of the occupants of Poppybank.

- 7.19 To the northeast of the site is the only other neighbouring dwelling, Corkscrew Cottage. This neighbour has also objected to the proposal. The proposed dwelling would sit back beyond the rear of this neighbouring dwelling and would be approximately 21m from the dwelling at the nearest point. Given the degree of separation, the proposal is unlikely to result in harm to that neighbour's amenity by way of overbearing impact or overshadowing. No windows are proposed to face that neighbouring dwelling and thus it is unlikely to result in a loss of privacy. The proposed driveway would run alongside this neighbour, the level of activity associated with the traffic movement from a single dwelling is unlikely to be harmful to neighbour amenity.
- 7.20 Damage to neighbour dwellings during construction has been raised by neighbours. This is not a material planning consideration and would be a private civil matter between both parties.
- 7.21 Having regard for the above, the proposal would not result in harm to neighbour amenity.

## **7.22 Highway Safety**

- 7.23 The site would be accessed via an existing vehicular access leading from Blacksmiths Lane, this is a one way road. No access is available directly from the A16, access is only possible via Fen Lane leading onto Blacksmiths Lane. The access would lead to an open driveway which is gated midway along its length. The development proposes on site parking with space within for turning. A public footpath runs alongside part of the proposed driveway, this turns southeast and cuts across the adjacent field. The plans show adequate space for the public footpath and access left unobstructed.
- 7.24 Concern has been raised by local residents with regards vehicular access both via the one way system and the access itself both during construction and once the dwelling is occupied; the poor condition of nearby roads; conflict with public right of way and implications for the safety barrier on A16.
- 7.25 Highways have been consulted on the application and advise that the

visibility at the existing access complies with Manual for Streets (MfS). This access will be upgraded and its use for the proposed dwelling would not be considered to give rise to an unacceptable impact on highway safety. Bearing this in mind, there is no justifiable reason to consider that the vehicular traffic from one single dwelling using the one way system of Blacksmiths Lane would result in greater harm than the existing traffic movements from dwellings along this route at present. The access into the site is considered to be acceptable for a single dwelling. It is unlikely that vehicles using the access would dazzle or blind users of the A16, their presence and their headlights from the proposed driveway would be no different to an oncoming car on the A16. Adequate parking and turning is available within the site. As such it is considered that the proposed access and parking arrangements for the dwelling would be acceptable in terms of highways safety.

- 7.26 The comments with regards construction traffic are noted. While highways have made no observations with regards this, it is considered a valid point. Construction traffic may only be temporary during the construction of the dwelling, however, given the road arrangements in the vicinity of the site their movements may have a profound impact on highway safety as well as neighbours near to the site. The applicant has not provided any information to advise how construction traffic would navigate the access via a single track road (Blacksmiths Lane), as such it would be sensible to require this information by condition.
- 7.27 With regards the safety barrier, this is positioned on the A16, the access to the site is via Blacksmiths Lane, there is no direct conflict between users of the access to the site and the safety barrier.
- 7.28 The applicant notes the existence and location of public footpath EKA/183/1, the plans show adequate space for users of this route and Highways have confirmed that the applicant should ensure it remains available for use during construction.
- 7.29 Highways note that there is a telegraph pole located in close proximity to the proposed access to be upgraded, this may need to be relocated at the applicants expense. The applicant can be advised of this via an informative.
- 7.30 Having regard for the above, with a condition relating to construction traffic, it is considered that the proposed dwelling would not result in harm in terms of highway safety.
- 7.31 **Ecology**
- 7.32 Local residents have raised concern with regards impact on ecology. The Council's Ecologist has reviewed the application and advises that Preliminary Ecology Assessment/BNG Report and BNG metric submitted with the application are fair and rigorous. The metric indicates a 10.67% increase in biodiversity units post-development, therefore, it is highly likely the development will be able to achieve the 10% net gain requirement. The Council's Ecologist also noted the complexity of habitat

creation (e.g., establishment of neutral grassland and a traditional orchard) and advises that a habitat management and monitoring plan should be required as part of the biodiversity net gain for the site. This will need to be submitted as part of the discharge of the BNG condition and dealt with post decision.

### **7.33 Archaeology**

7.34 Local residents have raised concern with regard the potential for archaeological remains at the site. Heritage Lincolnshire have been contacted for advice, however no response was received at the time of writing the report.

### **7.35 Land contamination**

7.36 Environmental protection requested a screening form be completed given the sensitive end land use. This has been supplied, however due to the sensitive end use and the previous agricultural use they have requests a phase 1 report. The site has historically been used for grazing of animals. Bearing in mind the past use, it would be unreasonable to request a phase 1 report.

### **7.37 Foul and surface water disposal**

7.38 Local residents have raised concern with regard drainage from the site and implications it may have for the surface water drainage arrangements at Hall Corner bend. A further resident has raised concern with the means of foul water disposal. The applicant advises that surface water will be disposed of via soakaways and foul water via a package treatment plant. The means of surface and foul water disposal are quite standard and given the context of the site there is no reason to duplicate the requirements of building regulations.

## **8.0 CONCLUSION**

8.1 The proposal is for a single infill road frontage dwelling in the medium village of East Keal in accordance with SP4 of the Local Plan. The design and layout of the dwellings picks up on the rural character of the area while offering an interesting and innovative design. The dwelling is accommodated on the site without harm to neighbour amenity nor highways safety. With appropriate conditions, it complies with the above-mentioned policies.

8.2 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

## **9.0 OFFICER RECOMMENDATION**

9.1 Recommended for approval

**RECOMMENDATION:** Approve

subject to the following conditions:

1. Full planning permission  
The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents

Plan No. LDC-4199-01A Received by the LPA on 05/09/2024.  
Plan no. LDC-4199-02C Received by the LPA on 28/10/2024.  
Plan No. LDC-4199-03 Received by the LPA on 05/09/2024.

and any drawings approved subsequently in writing by the local planning authority pursuant to any conditions on this decision letter.

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

3. Before any development is carried out above damp proof course, a schedule/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests the character and appearance of area in which the development it set. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

4. No development shall take place until a Construction Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Details submitted should include the expected size and number of delivery vehicles, a routing plan identifying how the site should be accessed from Blacksmiths Lane, any mitigation measures required to make such a route passable, and details for the parking, turning, loading and unloading of delivery vehicles on site. Parking and turning space should be made available prior to works commencing on the development and be kept permanently free for such use at all times thereafter.

Reason: In the interests of highway safety and neighbour amenity. This condition is imposed in accordance with SP10 and SP22 of the Local Plan.

6. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that

Order), unless otherwise show on the approved plans, none of the following developments or alterations shall be carried out:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of chimneys or flues, replacement or additional windows or doors, or the installation of roof windows;
- iv) the installation of satellite dishes;
- v) new areas of hardstanding.

Reason: In the interests of visual amenity of the area in which the site is set. This condition is imposed in accordance with SP10 of the Local Plan.

- 7 The artists studio shown on the approved plans shall only be used for purposes ancillary to the residential use of the dwelling.

Reason: For the avoidance of doubt and in the interest of highway safety and neighbour amenity. This condition is imposed in accordance with SP10 and S22 of the Local Plan.

- 9 Informatives:

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](mailto:vehiclecrossings@lincolnshire.gov.uk)

The applicant's attention is drawn to the telegraph pole which is in close proximity to the proposed access, which is to be upgraded, this may need to be relocated at the applicants expense.

## 10 **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

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 East Lindsey District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

*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.

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.