

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0755-24 **Applicant:** Mr D Munson
Proposal: Replacement Dwelling
Location: Main Road Gedney Spalding
Terminal Date: 21st March 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2. Achieving sustainable development
Section 5. Delivering a sufficient supply of homes
Section 11. Making effective use of land
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change
Section 15. Conserving and enhancing the natural environment

Representations:

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

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for a replacement dwelling at Main Road, Gedney.

Site Description

The site is located within the defined settlement boundary of Gedney as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is located along Main Road and abuts the A17 being accessed of Chapel Gate via the B1359. The dwelling on site is currently in disrepair and dilapidated having been unoccupied for many years, currently a large hedge separates the site from Main Road with access being through a large gate.

History

No relevant planning history.

Consultation Responses

Gedney Parish Council

This response has been made using the clerk's delegated powers (as per Councils policy) and the council has not met. Council has no objections to this application.

South Holland Internal Drainage Board

Consent may be required under Byelaw 3, not currently required under Section 23 and not applicable under Byelaw 10.

Lincolnshire County Council Highways Authority

Recommendation:

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 a replacement Dwelling and detached garage. The replacement dwelling will have three bedrooms and they have demonstrated sufficient parking and turning for the size of

dwelling. The access is as existing and there will be no adverse impact on the public highway or surface water flood risk. 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.

South Holland District Council Conservation Officer

No objections.

South Holland District Council Environmental Protection

No comments.

Senior Ecologist

I would like to thank Hopkins Ecology for the thorough approach that they have taken to evidence their baseline BNG assessment via descriptions, photos, and clearly labelled maps. The amended net-gain assessment and site plan provide a much clearer picture of the existing and previous habitats on-site, and I believe that the authority can be reasonably confident that this proposal will achieve the mandatory 10% biodiversity net gain requirement.

Small development sites frequently encounter problems when trying to meet mandatory BNG requirements due to the limited area available for habitat. For example, I note that the total area of habitats included in the baseline estimate is 0.0473 ha, while the total listed in the post-development values is 0.05 ha, equivalent to a difference of 0.0027 ha (27 sqm). I'm not sure why this discrepancy exists, but if this additional 0.0027 ha is subtracted from the proposed amount of post-development vegetated garden habitat (so that the baseline and post-development areas equal each other), then the metric calculation indicates a -3% net loss in biodiversity units. On the other hand, if the 0.0027 sqm is subtracted from amount of proposed artificial surface post development, then the metric estimates a 19% increase in biodiversity units. Therefore, due to the marginal amounts of habitat and biodiversity units involved, and because the 0.0027 ha discrepancy is within that accepted error margins of the metric, my opinion is that we can be reasonably confident that the development will achieve 10% BNG based on the metric's calculations and the proposed landscaping.

Key Planning Considerations

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

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above .

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

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

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Minor Service Centres', development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

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

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

The application site in this instance is within Gedney Church End and Black Lion End, an 'Other Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location would typically be considered appropriate, where development comprises infill development or that on committed sites and would normally be limited to this.

This development is considered to be infill and is not within a committed or allocated site as it is a replacement dwelling within the settlement boundary of a built up area. The proposal would therefore be in keeping with the linear form fronting the highway in this particular location.

Whilst the linear form is not mentioned within this section of Policy 1; this character form is typical along Main Road. As such, in a settlement in which development of sites are normally limited to allocated and committed sites and infill, the use of a replacement dwelling that is linear is considered to be an appropriate form of development and as such, the proposal is considered to be in accordance with the requirements of Policy 1 of the SELLP when viewed in principle.

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

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and

sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed replacement dwelling would be made from traditional brick and stone (chapel multi) brickwork with the roof to be constructed from sand toft neo plus Victorian red pan tile. The existing property is made from white rendering on the walls and brown concrete tiles on the roof. The proposed materials as outlined above will give the property a traditional appearance and one that matches properties in the immediate area more so than the existing, it is therefore considered that the dwelling will suit the area and appear in character following the construction due to the appropriate materials being used. This will be conditioned to ensure it remains this way.

The proposed replacement dwelling would have a total height of 8400mm to the ridge and 5200mm to the eaves, it is worth noting that the FFL would take this height to approximately 8900mm (this shall also be discussed later in the report). To the front elevation, there shall be a porch with a height of approximately 3300mm with a smaller single storey section also to be featured on the side elevation sitting at 4250mm in height. Whilst there are multiple bungalows in the immediate area which will have smaller heights than this, there are also multiple two storey dwellings which are of similar heights to the proposed replacement dwelling in this instance. This therefore ensures the scheme would not appear unacceptable or out of character with the street scene and locality.

The dwelling would have an internal floor space of 71sqm on the ground floor with approximately 69sqm of floor space on the first floor. This would be created through the ground floor consisting of a width of 6350mm and a length of 10065mm plus 2400mm by 3000mm for a smaller side section, as mentioned previously. As the first floor would not include this, it would have the same footprint as the main body of the house being 10065mm by 6350mm. In a similar light to the above, these measurements are also considered to be acceptable and proportionate to other properties in the immediate area whilst not appearing as a cramped form of development within the plot itself.

To the east of the site there shall be a detached garage which shall be approximately 5300mm in height to the ridge and 2500mm to the eaves. It would have a width of around 5500mm and a length of 5900mm; this would give the garage a floor space of roughly 32.9sqm. These measurements are considered to be acceptable and suitable in relation to the main house and is well suited in its

location on the site.

The design of the property would feature a gable roof for both the main house, the single storey side section and the detached garage. This design ensures that it matches the surrounding area and remains in keeping with other existing properties.

Finally, entrance hall area located on the southern side of the property would face directly towards Main Road, this is to provide access to the lounge, kitchen, study and staircase. The lounge on the west side would be fitted with French Doors providing access to the outside of the site. The kitchen on the opposite side would also lead to a shower room and utility. These rooms make up the entire ground floor section of the property. On the first floor the landing provides access to all bedrooms as well as the main shared bathroom with Bedroom being the only room with an en-suite. It is therefore considered that the floor plan is acceptable as it flows well and each room has an acceptable amount of natural light.

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).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

To the rear, the en-suite shall have a window facing towards properties along St Marys Meadows - it is however considered that the window will be obscure glazed and the room itself is not habitable. In addition to this, the same can be said for the shared bathroom on the side elevation. Conditions will be imposed on the decision notice should the application be approved that ensures the windows are obscure glazed. Bedroom 1 would have a window on the opposite to the bathroom however this will have a distance of over 10m and therefore this is an acceptable distance that should not material overlook the adjacent neighbouring property. Finally, Bedroom 1, 2 and 3 would all have windows on the front elevation of the property facing Main Road and therefore should not material overlook any property. It is also considered that all ground floor windows will not provide any unacceptable view due to their positioning in this instance.

To the west of the site there is a distance of around 10m to the boundary with a distance of approximately 15m to the east; due to the positioning of the plot and the siting of the proposed dwelling these are the only directions a potential material shadow could be cast. It is therefore considered that the neighbours to the north of the site should face no significant loss of light and there are no properties to the south. The height of the proposed dwelling would be 8900mm in total including the raising of the finished floor levels by 500mm. As there is a distance around 15m to the east, this is considered to be a more than adequate distance that should ensure no material shadow is cast to any property in this direction, in any case, any shadow that is cast would be at the latest point in the day when the sun is at its lowest. A distance of 10m should also be an acceptable distance that ensures there is no material loss of light to the eastern neighbour in this instance and again if a shadow is cast it would be when the sun is at its lowest point of the day. Overall, there is not considered to be a material loss of light or overshadowing impact on the surrounding properties.

As the property would be sat in a similar area to the existing property with not too drastic of an increase in height and scale, it should not appear overbearing to the surrounding existing residential properties. Furthermore, although it is noted that there will be an increase in noise during the construction of the development, this should not be over a long period of time and therefore should not materially impact residents in an unacceptable way.

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).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area identified as low hazard and danger for some; as such a Flood Risk Assessment has been submitted with reference to the sequential and exception test alongside identifying the main risks of flooding and the relevant mitigation measures. The probability of the development flooding from localised drainage systems is low with the failure of

Lutton Tidal Sluice could lead to an increase level of risk at this site. The probability of the site flooding from any EA system is less than 1% annual probability due to the standards of the flood defences. It is also important to note that the development increase the impermeable area and therefore has the potential to increase in flood risk elsewhere - however, this is not considered to be of a material unacceptable level.

The mitigation measures suggested with the flood risk assessment outline that the finished floor level of the dwelling should be 500mm above the surrounding ground level with a further 300mm of flood resilient constriction above the FFL. Due to the existing property being much lower than surrounding ground levels there must be this amount of increase in relation to the surrounding area. It is therefore considered that the proposed mitigation measures are acceptable in terms of flood risk and safety and the proposed dwelling should not appear disproportionate.

South Holland Internal Drainage Board were consulted on this application to give comment on the acceptability of the drainage on site. The foul sewage would be disposed via mains sewers and would be connected to existing drainage system, the surface water should be disposed via a soakaway. Byelaw 3 (Surface Water) states the following 'The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3'. Furthermore, Byelaw 3 (Treated Foul Water) goes on to say 'I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3'.

Section 23 states that the IDB are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the proposal include works to alter a watercourse or if works are proposed to alter a watercourse at any time, consent would be required. Finally, there are not board maintained watercourses within or adjacent to the site boundary and therefore Byelaw 10 does not apply in this instance.

The officer recommends that the applicant reads through the comments from the IDB and to apply for permission where necessary in line with the formal response and information highlighted within the report.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposed replacement dwelling shall have three bedrooms and there must therefore be at least two spaces for vehicles, From the plans submitted as part of the application it is apparent that the

development has acceptable and adequate parking on site including a garage for further storage of vehicles. LCC Highways have raised no objections to the scheme stating 'The replacement dwelling will have three bedrooms and they have demonstrated sufficient parking and turning for the size of the dwelling. The access is as existing and there will be no adverse impact on the public highway or surface water flood risk'. It is therefore considered to be acceptable on highway terms.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

The application in this instance is not exempt from the mandatory need for biodiversity net gain, a BNG Statement, BNG Metric Calculator Biodiversity Metric and a Site Plan with BNG Annotations have been provided within this application detailing what the applicant will include on site to meet the mandatory 10% net gain. A post-development concept plan has been included within the amended BNG Statement which shows an artificial unvegetated, unseal surface as well as vegetated garden. The conclusions within this statement outline that the classification of much of the artificial unvegetated, unsealed surface is robust. A small area is added to the classification from the vacant derelict land category and a small area is removed and included under vacant derelict land. A limited area of the artificial unvegetated, unsealed surface is re-classified as vacant, derelict land. The differences between these two types are indistinct but the re-classification provides a more conservative assessment. Finally, the vegetated garden is reclassified as vacant, derelict land, this change does not affect the scores.

It is considered that the scheme therefore delivers a biodiversity net gain on site of +19% for habitats based on a net increase in vegetated garden planting in contrast to bare unvegetated substrate. There is also at least +21% for hedgerow gain is expected, based on a 10m length of hedgerow along the western boundary.

The Council's Senior Ecologist was consulted on this application with his comments stating the following 'The amended net-gain assessment and site plan provide a much clearer picture of the existing and previous habitats on-site, and I believe that the authority can be reasonably confident

that this proposal will achieve the mandatory 10% biodiversity net gain requirement'. Amongst other things, this is the most relevant section of the response, more detailed comments can be found earlier within this report.

Should the application be approved, two conditions will be imposed onto the decision notice to ensure the BNG is applied to site.

Other Matters - Abandonment

Due to the current state of the building, the LPA shared concerns surrounding the building being potential abandoned in planning terms. The concept of abandonment was defined in appeal decision APP/R3650/X/11/2156155 as 'The concept of abandonment applies in circumstances where a building or land 'remains unused for a considerable time, in such circumstances that a reasonable man might conclude that the previous use had been abandoned' (Harlley V MHLG {1970} 1QB 413. Despite this, the LPA consider that as the plot is within defined settlement boundaries it is therefore in line with Policy 1, the LPA are not only approving the scheme purely because it is a replacement dwelling and there are some questions surrounding if the building has actually been abandoned. It still remains acceptable due to it fundamentally being a new dwelling within a settlement boundary and therefore acceptable in principle with Policy 1.

Planning Balance

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

The proposal represents 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.

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

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that

may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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