DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0174-26**	**Applicant:**	**A Sukerno**
Proposal:	Demolition of existing single storey shop and erection of 5no new market dwellings and 1no self-build dwelling, alongside development to No.45 Fleet Street (to form a total of 7no. dwellings)		
Location:	Hooks Of Holbeach Land Adj. & Including 45 Fleet Street Holbeach		
Terminal Date:	13th November 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 4 - Achieving sustainable development
Section 12 - Making effective use of land
Section 14 - Achieving well-designed places
Section 15 - Promoting sustainable transport
Section 17 - Pollution, public protection and security
Section 18 - Meeting the challenge of climate change, flooding and coastal change
Section 20 - Conserving and enhancing the historic environment

Representations:

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for the demolition of an existing shop and the erection of six dwellings. This can be divided into:

-Plot 9 - one large detached dwelling
-Plots 1 and 6 - three-bedroom detached dwellings which mirror one another
-Plots 2 and 3 - a pair of semi-detached dwellings
-Plot 4 - a semi-detached dwelling, attached to an existing dwelling (plot 5)

Plots 1, 2, 3 and 6 are identical in scale and appearance, bar small superficial differences. Each measures 6.5m (width) by 10.1m (depth), with an eaves and ridge height of 5.411m and 8.445m respectively. This gives each a useable floor area of 157.7sqm approximately, spread over three floors.

Plot 4 is an addition to an existing semi-detached dwelling. It would measure 6.3m (width) by 8.9m (depth). The eaves and ridge heights would be tied into the host at 5.65m and 8.1m.

Plot 9 is a larger, four-bedroom dwelling of a modern design. It measures approximately 17.5m (width) with a depth of 9m, rising to 11.5m at its deepest. The eaves are set at 4.25m and 5.4m, rising to ridges of 7.25m, 7.45m and 8m.

Site Description

The site is within a short distance of the historic town centre where several services and facilities are available. A wide range of housing types, ages, designs and appearances has been observed in the area. It is a large corner plot onto the highway junction between Fleet Street (south) and Edinburgh Walk (west). The site benefits from two vehicular accesses. The widest crossover is Fleet Street whereas a narrower access is on Edinburgh Walk adjoining No. 2.

The site is currently disused and used to be associated with local building material supplier Hook of Holbeach Ltd. No. 45 is a large two-storey detached dwellinghouse under the applicant's ownership. Immediately to the east, No. 43 is another two-storey residential property. To the rear, a large flat-roof building hosting the main premises of Hook of Holbeach Ltd. Further outbuildings used for storage and workshop adjoin the northern boundary with No. 2 Edinburgh Walk and No. 1 Creewood Lane. To the east, is the care home Mayfield House. To the west opposite the road, is Holbeach Police Station.

Relevant Site History

H09-1393-00 - OUTLINE - Use of the site for the erection of one residential dwelling and garage - Approved 20/06/01.

H09-1160-20 - OUTLINE - Residential Development for 6 dwellings - Approved 23/02/21

H09-1053-20 - FULL - Proposed extension, alterations and erection of garage - Approved 23/02/21

H091074-23 - OUTLINE - Proposed Residential Development - 6 Dwellings - Approved 25/01/24

H09-1079-24 - FULL - Proposed residential development - 9 dwellings - Refused 27/02/25

H09-0705-25 - FULL - Proposed Residential Development of 9 Dwellings - Refused 14/11/25

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Lincolnshire Police

Lincolnshire Police do not have any objections to this application.

Lincolnshire Fire and Rescue

Outline that the installation of hydrants, at the applicant's expense, would be required

South Holland Internal Drainage Board

Outline when consent from the Board would be required

SELCP Ecologist

Ecological Considerations:
-Having reviewed this application, I believe that this application will require a Preliminary Ecological Assessment to be provided pre-determination. The results from this PEA may reveal the need for more detailed species surveys.
-We request that a total of 6 integrated universal nest bricks (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) are incorporated into the external fabric of one or both buildings. These should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, and grouped colonially where possible, in accordance with best-practice guidance such as British Standard BS 42021:2022. The bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.
-We also request that 2 integrated bat boxes (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) are added to the development plans.
-In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site. These are required to enhance biodiversity and to be in line with Local Plan Policy 7.2.14.
BNG Comments and Notes to applicant
-Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 62.54% in Habitat units.
Specific BNG condition request
-We will require a Biodiversity gain plan to be provided pre-commencement for this application.

Conclusion: There has been sufficient evidence provided to determine this application, and we are confident that 10% net gain can be achieved onsite for this application.

Highway and Lead Local Flood Authority

Initial comments, dated 24/03/26

ADDITIONAL INFORMATION REQUIRED
Where will plot 5 park?
The proposed site plan still says parking for plot 7 when there are only 6 plots. The widths of the access points are to be detailed on the proposed site plan and a note to say they will be constructed

to Lincolnshire County Council Specification. A shared access shall measure a minimum of 4.1m for the first 10m and thereafter it shall measure 3.7m.
Highway improvements will be required on Edinburgh Walk - full height kerbs to be installed at the frontage and a Traffic Regulation Order for Double Yellow Lines to be installed, the cost of which will be £1800.00 via a Section 106 Agreement

Revised comments, dated 08/04/26

"No objections:
Demolition of existing single storey shop and erection of 6no. new dwellings, alongside development to No.45 Fleet Street (to form a total of 7no. dwellings). The proposal is for 5 x 3 bed & 1 x 4 bed dwellings plus alterations to an existing dwelling (Plot 5). Plot 5 currently has street parking on Fleet Street, and this will continue with the proposal. All new access points will be constructed to Lincolnshire County Council Specification. Parking is acceptable and appropriate for the size of dwellings. Highway improvements will be required on Edinburgh Walk - full height kerbs and footway construction to be installed at frontage raising the level of the footway to prevent vehicles parking of the footway. A Traffic Regulation Order is required for Double Yellow Lines to be installed, the cost for the Traffic Regulation Order will be £1800.00 via a Section 106 Agreement. The footway works will be carried out via a Section 278 Minor Works Agreement with Lincolnshire County Council. It is necessary to prevent parking on the footway so as vehicles do not impair visibility when exiting the new dwellings that will be accessed from Edinburgh Walk. Providing the highway improvements and lining works are carried out the proposal will not have an adverse impact on the public highway."

Proceeds to recommend the imposition of three conditions, involving a construction management plan, details of highway improvements, and the installation of double yellow lines.

Historic Environment Officer

Thank you for consulting us on this application. It is noted that the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207). The proposed site is located in an area of high archaeological potential. The HER (Historic Environment Record) includes information about known Heritage Assets within the proposed site: Monument record MLI20227 - Medieval settlement of Holbeach and Monument record MLI20557 post Medieval settlement of Holbeach. To the northeast of the site, a survey detected 'A number of anomalies representing possible archaeological features including cut features and pits were observed.': ELI7594 - Geophysical survey on land off Battlefield Lane. To the west, archaeological interventions exposed archaeological remains: ELI2572/ELI4267 - St. John's Street. To the southwest of the proposed an intervention exposed archaeological remains ELI9030 - Watching Brief on Land to the Rear of 42 Fleet Street. The proposed development comprises 'Demolition of existing single storey shop and erection of 6no. new dwellings, alongside development to No.45 Fleet Street (to form a total of 7no. dwellings". The proposed development groundworks and any temporary works associated with the development (including landscaping, drainage connections and BNG planting) will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). There is archaeological potential, and we do not possess evidence that previous limited construction activity entirely disturbed/truncated possible present heritage assets. I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a post demolition phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to a geoarchaeological assessment and a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02, 03 and 05 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

Environmental Protection

I request a standard land contamination condition be applied at this location.

Public Representations

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

This can be summarised as:

-Requests clarity over the parking of Plot 5

Key Planning Considerations

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.

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

The policies and provisions set out in the National Planning Policy Framework, 2026 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Spatial Strategy and Housing Need

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

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

The site is within the settlement of Holbeach which is classed as a main service centre within Policy 1. As such development will be permitted that supports Holbeach's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Policy S3(1) of the NPPF states:
"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
b. Outside settlements, policy S5 should be applied"
As previously outlined, the site is within a defined settlement limit, and therefore, Policy S4 is relevant. This states:
"Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."

Policy S4(2) outlines circumstances where the benefits of approving a development are likely to be substantially outweighed by adverse effects. This includes, but is not limited to, development on allocated land for purposes other than those allocated, the loss of cemetery land, loss of land used for flood risk management, or failure to comply with a policy which explicitly states development

should be refused in specific circumstances.

As the site is within Holbeach, development within this location is considered appropriate. The proposal would support the settlement's role as a main service centre and makes a positive contribution to local housing stocks.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Section 4 of the NPPF.

Previously Developed Land

Section 12 of the NPPF "making effective use of land" concerns the promotion of higher density development and the maximisation of space. In this vein, Policy L2(1) states:

" Substantial weight should be given to the benefits where a development proposal would achieve one or more of the following:
a. Remediating despoiled, degraded, derelict, contaminated or unstable land;
b. Making better use of vacant and underutilised land and buildings (such as: by bringing back into residential use empty homes and other suitable buildings; converting space above shops; redeveloping underutilised retail and business sites; and building on or above service yards, lock-ups, car parks and other transport infrastructure which are no longer required);".

Whilst the existing land is not vacant, as there is an existing use on the site, the use of the land for that purpose has since ceased. The land is evidently representative of previously developed land. Therefore, weight is given in favour of the proposal under Policy L2.

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

Policy Context

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines that "development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

South Holland do not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well designed places. The NDG is supported by the National Model Design Code (NMDC), which has a greater emphasis on matters such as density and built form, and approaches assessments in a more empirical manner.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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 proposal relates to two distinct features, the six three-bedroom dwellings and the larger detached dwelling at Plot 7. The assessment has been split accordingly.

Plots 1-6

Plots 1, 2, 3 and 6 are relatively typical new build dwellings. The designs are consistent throughout, creating a regularity of design which helps to naturalise the proposal to a certain extent. Whilst the design of these dwellings is relatively basic, it suits the area well. The area is characterised by 20th century urban expansion, and so a somewhat plain development would appear more in keeping than an elaborate design.

The scale of these four dwellings is in keeping with the area. Whilst the dwellings are tall, there are several large dwellings in the wider area, which would help to integrate the development to a certain extent. Moreover, the significant set back distance would reduce the perceived mass of the buildings.

Plots 4 and 5 are formed of an existing dwelling an extension to this dwelling. A comparable extension, albeit to form a larger single dwelling, was approved under H09-1053-20, under the same Local Plan. The design is well integrated into the existing built form, with the lowered ridge height creating a degree of subservience. Whilst the proposal would appear as a later addition, it would not juxtapose the existing dwelling to a significant extent.

The plot density is broadly consistent with the area. The spacing of dwellings and the mixture of semi-detached and detached dwellings is typical of the area. The development would not appear overly dense or as an unusual typology.

In assessing the character implications, the existing conditions of the site must be taken into account. The existing site is commercial in nature, clashing with the residential character of the wider area. What built form is present is utilitarian and of no benefit to the appearance of the locale. On this basis, the proposal represents an opportunity to neaten the site, improving the appearance of the area.

Plot 7

Plot 7 is functionally and visually detached from the rest of the development. The positioning, design and scale all result in the proposal being read as detached from Plots 1-6. To a certain extent, this reduces the coherence of the overall scheme, although this distinction is clearly intentional and, on that basis, would not be overly harmful.

The scale of the dwelling is substantial. However, within the wider area, there are examples of comparably large buildings, particularly the adjacent care home, which would help to naturalise the proposal to a certain extent. As Plot 7 already appears visually distinct from the rest of the proposal, this difference in scale would simply further this perception. Moreover, the significant set back distance would reduce the perceived scale of the dwelling.

A modern approach has been taken with the design. To a certain extent, this would reduce the integration of the design with the 20th century developments in the area. Some features, such as the balcony to the front, are not typical of the area, and would therefore detract somewhat from the character of the locale. Despite the more modern elements, the proposal is not entirely distinct from the area due to the appropriation of certain typical design conventions.

Whilst the provisions of the NDG regarding responding to the locale are noted, it is clear that the intention of this development is to create a somewhat distinct identity within the plot itself. Paragraph 60 of the NDG enables the creation of a new and positive character to enhance the identity of an existing place which limited or few positive qualities.

Summary

The proposed designs are considered to be acceptable. Plots 1-6 would be fairly consistent with the built form of the area, whilst Plot 7 offers greater visual variety and interest. They represent an

enhancement over the existing plot. As such, the proposal is considered to be in accordance with Plots 2 and 3 of the SELLP and Section 14 of the NPPF.

Impacts Upon Resident Amenity

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life".

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal is not considered to have an unacceptable amenity impact on external properties. For Plots 1-6, adequate separation distances to neighbouring properties. No first floor windows on the side elevations of Plots 1-6 would overlook, whilst rear window solely face into the site, preventing overlooking from Plots 1-6. These Plots would not overshadow neighbouring dwellings.

A daylight assessment has been provided as part of this proposal. This shows that the western elevation of the adjacent care home is already in shadow due to the existing trees. The proposal would not exacerbate the level of shadow cast. In stepping the roof towards this boundary downwards, there would be a reduced level of shadow cast in any event. The rear windows of Plot 9 would create some level of overlooking towards 1 Creewood Close, albeit this is not considered to be overly untoward.

As detailed above, the scale and design of the proposal is considered to have 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 Sections 14 and 17 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR6(4) advises that "development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."

Policy TR3 of the NPPF outlines that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. The policy outlines a series of principles to achieve these aims, with the expectation that all proposals should, so far is relevant, conform to them. Policy TR3(2) is explicit that "The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development."

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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

Bar Plot 5, off-street parking has been provided for all dwellings. The provisions meet parking standards and provide adequate turning room for each vehicle. Plot 5 has no dedicated off-street parking. That being said, historically, the dwelling has never had off-street parking, and so the omission here is a continuation.

A series of highway improvements have been recommended by the Highway Authority. These are considered necessary to ensure the safety of highway users. All improvements, including the S106 payments, have been agreed with the applicant.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 15 of the NPPF.

Flooding Considerations

Section 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

Policy F5(1) outlines that:
"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users."

Paragraph 3 expands on this, stating that :
"The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test."

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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 SELLP 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.

As explicitly stated within Policy F5(3), the SFRA should be used in conjunction within the Environment Agency's maps to assess the sequential test. The Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site being outside of any hazard area for the present day, and for 2116. The Residual Peak Depth Map for the 1% fluvial and 0.5% tidal shows that the site is outside of the area at risk in the present day, and for 2116.

Due to the nature of the development, it is deemed appropriate to use a settlement specific search for sites. Within the SFRA the site is outside of an identified hazard zone. Given that much of Holbeach is within a hazard zone and that the vast majority is within Flood Zone 3, the site would be sequentially preferable. Within the settlement land at a lower hazard rating is limited to the historic core, which would be entirely unsuitable for a development of this nature.

Policy F6 of the NPPF states:
"In areas falling within flood zones 2, 3a, or 3b (as defined in Annex F, table 1):
a. Development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, table 3; and
b. In certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential

test in policy F5 where applicable, development will only be appropriate where an 'exception test' is satisfied"

Annex F, table 2 of the NPPF defines the proposed use as more vulnerable. As such, the proposal is not considered to be incompatible with the flood risk, as outlined in Annex F; however, it is considered necessary to apply the exceptions test.

Policy F6(1)(b) states:
"The exception test involves demonstrating that the development would meet all the following criteria:
i. Provide wider sustainability benefits to the community that outweigh the flood risk;
ii. Be safe for its anticipated lifetime in accordance with policy F7; and
iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall."

Assessing the proposal against these criteria, the following is considered:

The proposal would contribute to the housing supply of the settlement, whilst also remediating previously developed land. Beyond this, there are clear social and economic gains emerging from increased employment during construction and the provision of additional residences.

Mitigation has been proposed including finished floor levels being 0.3m above surrounding ground level and 0.3m of flood resilient construction above finished floor levels. These mitigation measures would be subject to a condition. The proposed mitigation would ensure the development would be safe for its lifetime, thereby meeting the requirements of the exceptions test.

The proposal would not increase the scale of sealed surfaces, thereby meeting point iii.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

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.

When taking the above into account, the development in this instance is not exempt from the statutory 10% Biodiversity Net Gain requirements. That being said, the submitted information appears to show that net gain could be readily achieved on site.

Archaeology

Part C of Policy 29 concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

"1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.
2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."

In this instance, the historic environment record comes from the Lincolnshire Historic Environmental Record (LHER). The LPA's interpretation of the information within the LHER is informed via consultation with the Historic Places Team of Lincolnshire County Council (HPT), who maintain the LHER.

The public information relating to the LHER is taken from the Lincolnshire Heritage Explorer (LHE). The LHE is not a comprehensive database, and the information contained within it is constantly evolving. The LHE webpage is explicit that "the information provided through the Lincolnshire Heritage Explorer is only part of that held by the LHER, and will not be sufficient on its own to inform the planning process".

Sites of archaeological interest can broadly be separated into two categories: designated assets and non-designated assets. Designated assets, such as scheduled monuments, are far rarer and only occur in places where the requirements of the Ancient Monuments and Archaeological Areas Act 1979 can be applied. These are sites which have a pre-established significance to archaeological understanding at a wider national level, and must be designated by the Secretary of State as such. Accordingly, such sites are rare and are often designated after the scope of the asset has been established. The site in this instance is not designated.

It has been stated by the relevant consultee from the HPT, that the site is in an area of high medieval and post-medieval archaeological potential. On this basis, the site can be considered a site of archaeological interest, and a potential non-designated heritage asset, in line with Policy HE7 of the NPPF.

On this basis, they have recommended that, in the event the proposal is approved, the standard suite of archaeological conditions is imposed. The conditions would require the submission of a written scheme of archaeological investigation, followed by archaeological works to be done in accordance with the approved scheme. There is no evidence before the Planning Department which would indicate that this would be excessive.

Without the imposition of the requested condition, there is the potential for harm to a non-designated heritage asset, via the disturbance of a site of potential archaeological interest. On this basis, it is considered necessary to impose these conditions.

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 SELLP and the provisions of the NPPF when viewed as a whole.

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 these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 29, 33, and 36 of the SELLP, as well as Sections 4, 12, 14, 15, 17, and 20 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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