DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0226-26**	**Applicant:**	**Gaskin Property Group Ltd**
Proposal:	Demolition of existing garages & replace with 2 bungalows		
Location:	Garages Adjacent To 39 Hall Hill Road Holbeach Spalding		
Terminal Date:	24th July 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
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for the demolition of two existing garage blocks and the erection of two bungalows. Each bungalow would measure 10.3m by 7.24m, with a height of 2.8m to the eaves, rising to 4.93m at the apex. An approximate internal floor area of 62sqm has been proposed. Each would be constructed of mock slate roof tiles with red multi brick walls. UPVC windows and doors are proposed.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is at the far end of Hall Hill Road, a post war residential area. Hall Hill Road is primarily characterised by two-storey, semi-detached dwellings. To the north is a park area, designated as green space in the Local Plan.

The site is currently occupied by a series of garages. The site appears to have been disused, or infrequently used, for some time.

Relevant History

No relevant history

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:

Responses to Initial Consultation Exercise, received between 8th April 2026 and 5th May 2026

Cllr Chapman

Comments received three time, on the 8th and 14th of April, and on 5th of May
"These garages have long been the venue for various youngsters to get together late in the evening, with some anti social behaviour, which the owners of the close bungalows in Langwith gardens have complained about. So to see two bungalows being erected in their place will be a good all round solution"

SELCP Ecologist

Initial comments, dated 16/04/26

Summary: We require further confirmation to be made regarding the baseline habitats on site which may alter the outcomes of the BNG calculations so we cannot be sure whether 10% net gain will be achieved on site or whether offsite units will need to be secured.

Documents reviewed:
·BNG Statutory Metric
·Preliminary Ecological Appraisal
·BNG Baseline and Post Development Map

·BNG Statement
·BNG Habitat condition assessments.

Comments
Ecological Considerations:
·The applicant has provided thorough ecological documentation therefore in my judgement providing sufficient ecological data to determine this application.
·We support all mitigation and enhancement recommendations provided in sections 6 and 7 of the PEA and request that they are required by condition.
·We request that a total of 2 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 one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) is 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
·We are confident that 10% net gain can be achieved for this site for hedgerow units, however we have some concerns regarding the baseline habitats that have been referenced and believe that 10% net gain may not be achieved under the current BNG proposals with the updated baseline habitat.
·Based on a review of Google Street View imagery, satellite imagery, and a 2024 A Longstaff Residential Developments advertisement for the sale of the development site, it appears that there is a medium-large tree located toward the south east of the site. For the purposes of these calculations, the tree has been assumed to be of medium size and moderate condition. If this tree is included within the baseline calculations and recorded as lost, due to there being no reference to its retention within the submitted BNG site plans, the development would result in a net biodiversity loss of 82.74%. As such, the required 10% biodiversity net gain would not be achieved, and an off site unit deficit of 1.32 units would need to be secured pre-commencement. (please see image of said tree below)
·However, should the applicant be able to provide evidence confirming that this tree lies outside the red line boundary of the site and will not be affected by the development, we would be content for the baseline habitats to be assessed as currently presented. Under this scenario, it is evident that a minimum 10% biodiversity net gain would be achieved on site.
·We also require clarification/confirmation regarding the following:
oThe sections of Proposed modified grassland and tree planting on site must not be included within the domestic curtilage of the property, and must be managed as public space independently from the resident's wishes (e.g., managed by a landlord or management company). If instead, these areas are included in the domestic curtilage of the proposed dwellings (and fall within the PD rights of the residents), then they must be re-categorised as vegetated garden in the metric assessment and not secured as modified grassland with trees.
oIn regard to the above, we suggest that a condition be included in the permission that defines these two areas to be independent from the domestic curtilage. If it can be confirmed that these areas remain outside of the curtilages of the dwellings, then the sections of grassland could be retained as Modified Grassland and Individual Trees in the habitat creation tab.

Specific BNG condition request
·We will require a biodiversity gain plan to be provided pre-commencement.

Conclusion: We require further confirmation to be made regarding the baseline habitats on site which may alter the outcomes of the BNG calculations so we cannot be sure whether 10% net gain will be achieved on site or whether offsite units will need to be secured.

Further comments, received 28/04/26, following clarification from Applicant

Thank you for providing this further detail. I'm confident now that as they've confirmed, the proposed modified grassland and new small trees are not to be created within the domestic curtilage of the proposed dwellings.

Following this, the metric indicates that 10% mandatory net gain can be achieved on site with a predicted overall gain of 135.82% in habitat units and an overall gain of 334.98% gain in hedgerow units.

All our previous comments still stand regarding ecological considerations and we shall still require a biodiversity gain plan to be provided pre-commencement.

South Holland Internal Drainage Board

Outline when land drainage consent would be required from the Board

Highway and Lead Local Flood Authority

Deferral: LCC is not currently in a position to support the application and requests further assessment, supporting evidence, revisions and/or dialogue, as set out in the response.

ADDITIONAL INFORMATION REQUIRED

The proposed access road will be private and will not be adopted by Lincolnshire County Council. A footway is not essential.

A refuse vehicle will not enter a private drive so refuse collection points need to be included in the layout.

Historic Environment Officer

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

Environmental Protection Officer

No comments regarding land contamination or environmental protection.

Revised Comments, following submission of amendments. Received between 2nd June and 6th July 2026

Historic Environment Officer

We reiterate our previous comments dated 27-04-26.

SELCP Ecologist

Upon reviewing the amended documents for this application we believe that the BNG proposals for this site will require amendments following the alterations to the proposed site plans. Preferably, this information should be provided prior to determination to demonstrate how a 10% biodiversity net gain will be achieved.

Further comments, received following amendments

Comments
·These comments are in relation to the amended BNG documents provided in June 2026. All previous comments for this application still apply.

BNG Comments and Notes to applicant
·We appreciate the applicant providing us with the updated BNG documents for this application at this stage.
·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 63.49% in Habitat units and a 334.98% gain in

hedgerow units.
Specific BNG condition request
·We will still require a Biodiversity Gain Plan to be provided pre-commencement for this application.

Highway and Lead Local Flood Authority

"Demolition of existing garages & replace with 2 bungalows. The site is accessed from Hall Hill Road, a private access road will be constructed with a footway to provide access to the Public Open Space north of the site which forms part of transfer agreement with South Holland District Council. Suitable parking has been demonstrated for both bungalows. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

Proceeds to recommend two informative conditions.

Environmental Protection

No comments regarding amendment 1.

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, no letters of representation have been received.

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, 2024 (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 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.

The NPPF 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. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.".

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area (..) and are often built-out relatively quickly"). This paragraph 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.

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 and make a positive contribution to local housing stocks.

The proposal would therefore be in accordance with Policy 1 of the SELLP and Paragraphs 61 and 73 of the NPPF.

Previously Developed Land

Section 11 of the NPPF "making effective use of land" concerns the location of urban development. Paragraph 124 of Section 11 states:

"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land".

Paragraph 125(c) expands upon this stating:

"planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused".

Annex 2 of the NPPF provides a definition for brownfield land and previously developed land (which share a definition), which is as follows:

"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

On this basis, the proposal is considered to conform to the definition of previously developed land as it would involve the redevelopment of an existing area of development. As such, substantial weight is given in favour of the proposal.

Summary

The proposal involves the redevelopment of previously developed land, within an appropriate settlement location. On this basis, the proposal is considered to be in accordance with Policy 1 of the SELLP and Sections 5 and 11 of the NPPF.

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

Policy Context

Section 12 of the NPPF, "Achieving well-designed places", states 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture 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. Developments 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, among other considerations.

Paragraph 139 of the NPPF states: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

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.

Assessment

In assessing the proposed design, it is important to consider it in relation to the existing buildings on the site. The existing parking garages are of no visual merit. They detract from the existing character of the area by providing a utilitarian form at odds with the domestic nature of the locale.

The materials proposed take queues from the existing area. The use of red multi brick is consistent with the wider area, helping to root the proposal in the area to a certain extent. This is broadly in keeping with paragraph 57 of the NDG. A full materials schedule to confirm the exact brick type and window colour should be ensured via condition.

Proposed are two bungalows, with identical design. The design is basic, and of no particular merit. Taken in isolation, they do not add to the architectural character of the area. However, when taken in context of the existing built form, they are an enhancement.

The immediate area is dominated by two-storey units of a consistent style. Therefore, to a certain extent, the proposed bungalows would conflict with the primary built form of Hall Hill Road. That being said, within the wider area, bungalows are commonplace, naturalising the proposal to a certain extent. Moreover, the positioning of the dwellings, where they appear as later additions within a less prominent part of the street, lends itself to a less intrusive built form. To this end, bungalows would appear preferable over a larger, more intrusive form. The buildings are relatively short, reducing their impact further.

The layout of the site, whilst somewhat unorthodox, is informed by the constrains of the site. Further development to the north would be prevented by existing sewer and gas pipelines. The proposed arrangement represents a maximisation of space, without infringing upon these utilities. The garden space proposed is not substantial, but is proportionate to the dwellings.

The comments of the Highway Authority regarding refuse collection points are noted, and these finalised details can be secured via condition.

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 SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

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.

As bungalows, the potential for overlooking is low, as views ought to be obscured via boundary treatments. A 1.8m fence is proposed. Given the raise in floor levels of 500mm, these treatments are likely to be insufficient to completely obscure views. Finalised details of boundary treatments are therefore recommended to be conditioned, alongside the relevant topographical information.

The plots are relatively close to boundaries. However, due to the low ridge height proposed, it is not considered that there would be a severe or unacceptable overshadowing impact. A small level of light to the extremities of the garden of number 39 Langwith Gardens may occur; however, this would be infrequent and not significantly detrimental to the enjoyment of the dwelling.

Details of refuse arrangements have not been provided in full, beyond the recognition bins will be provided. This should be resolved via an appropriate condition.

Each dwelling provides 62sqm of floor space, with bedrooms measuring 11.6sqm and 11.25sqm. These measurements conform to the Nationally Described Space Standards for a 2 bedroom 3 person dwelling. The proposal therefore delivers an acceptable level of residential accommodation. However, it should be noted that these figures are only marginally above the bare minimum (61sqm), meaning that while the level of accommodation is acceptable, it is not of a significant quantity. Likewise, external amenity space is limited and gardens are relatively small. Nevertheless, given the scale of the dwellings, the gardens are considered proportionate.

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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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. 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. Adequate parking space has been maintained for each property.

A footpath to the park to the north is proposed. This would maintain adequate access to residents wishing to use the park. The initial comments of the Highway Authority regarding the footpath are noted; however, it is the view of the Local Planning Authority that this footpath would be required to provide access to the park. It should be noted that a separate covenant which would secure the use of the footpath for residents wishing to enter the park has been viewed by the Planning Authority and would secure the use of this footpath beyond the guarantees offered by a standard planning condition.

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 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "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: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "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". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states 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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

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.

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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as low hazard, with flood depths expected to reach 0.25m within the 1% flood risk event maps. The information provided in the FRA outlines that expected flood depths for 0.1% event, which would be the expected test for a single storey property, would be 0.4m. There is nothing before the LPA to doubt this conclusion or modelling data used.

A comprehensive sequential test has not been provided. That being said, much of Holbeach is with a hazard classification, with large parts of the settlement being in higher hazard zones. Areas outside hazard areas are primarily found in the historic core, an area with limited land availability. On balance, the site is sequentially preferable.

In any event, if one was to apply the exceptions test, it is considered that the proposal would pass. Paragraph 178 of the NPPF outlines:
"To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

Beginning with Part B, the decision to raise finished floor levels by 500mm would ensure the dwellings would be safe for their lifetimes. The raise would not affect nearby residences or the likelihood of flooding, given the fact that the flood risk in the area is tidal.

As previously outlined, the redevelopment of brownfield land carries significant weight in the NPPF. This is considered to mark such a benefit as to outweigh the low flood risk on the site.

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.

Onsite gains are proposed. This is considered acceptable in principle, and the submitted information

demonstrates it would be possible.

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, 33, and 36 of the SELLP, as well as Sections 9, 11, 12, 14, and 15 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.