

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H09-0786-26      **Applicant:** Wrights Properties Ltd

**Proposal:** Demolition of existing buildings & Erection of 5 no 3 bedroom dwellings, including parking & upgrading access

**Location:** 6-10 Park Road Holbeach Spalding

**Terminal Date:** 14th October 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                                        |
| 07         | Improving South East Lincolnshire's Employment Land Portfolio |
| 10         | Meeting Assessed Housing Requirements                         |
| 11         | Distribution of New Housing                                   |
| 17         | Providing a Mix of Housing                                    |
| 28         | The Natural Environment                                       |
| 29         | The Historic Environment                                      |
| 30         | Pollution                                                     |
| 36         | Vehicle and Cycle Parking                                     |
| APPENDIX 6 | Parking Standards                                             |

#### National Guidance

#### National Planning Policy Framework August 2026

Section 2 - Plan-making policies (PM1 - 17)  
Section 3 - Decision-making policies (DM1 - 10)  
Section 4 - Achieving sustainable development (S1 - S6)  
Section 6 - Delivering a sufficient supply of homes (HO1 - 13)  
Section 8 - Ensuring the vitality of town centres (TC1-4)  
Section 12 - Making effective use of land (L1 - 3)  
Section 14 - Achieving well-designed places (DP1 - 4)  
Section 15 - Promoting sustainable transport (TR1 - 8)  
Section 17 - Pollution, public protection and security (P1 - 6)  
Section 18 - Managing flood risk and coastal change (F1 - 9)  
Section 19 - Conserving and enhancing the natural environment (N1 - 9)  
Section 20 - Conserving and enhancing the historic environment (HE1 - 10)

### Representations:

|  | Object | Support | No Obj. | Comments |
|--|--------|---------|---------|----------|
|--|--------|---------|---------|----------|

|                         |   |   |   |   |
|-------------------------|---|---|---|---|
| PARISH COUNCIL          | 1 | 0 | 0 | 0 |
| WARD MEMBER             | 0 | 1 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SHDC INTERNAL           | 0 | 0 | 1 | 1 |
| OTHER STATUTORY BODIES  | 0 | 0 | 0 | 3 |
| RESIDENTS               | 2 | 0 | 1 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The application seeks full planning permission to demolish two existing buildings within the site and to erect five dwellings, with associated gardens and parking spaces. three of the dwellings are proposed to front Park Road and these dwellings would be attached to one another in a single built form; whereas the other two dwellings are proposed to comprise semi-detached dwellings at the rear of the site.

### **Site Description**

The site comprises 6 to 10 Park Road in Holbeach which includes two buildings and areas of hardstanding. The frontage building is attached to 4a Park Road. This building is considered to comprise a historic brickwork building whereas the other building appears to be more modern, featuring metal cladding.

The site is also located within Holbeach Conservation Area. The site does not feature a listed building; however, there are listed buildings located within the area.

The site is located within the settlement limit of Holbeach, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

Most of the site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps; however, part of the eastern side of the site is within Flood Zone 3.

### **Relevant Planning History**

H09-0902-94: (Full Application) Change of use to second hand car display and sales - refused 09th December 1994

H09-0918-19: (Full Application) Demolition of existing storage buildings and erection of 8 dwellings including associated gardens and off-road parking provisions - withdrawn 01st May 2020

The following applications overlap the eastern portion of the site including the shared access:

H09-0800-21: (Full Application) Extension to Unit - approved 23rd September 2021

H09-0912-09: (Full Application) Refurbishment and alterations of existing building - approved 19th

January 2010

The following application overlaps the western portion of the site:

H09-1029-98: (Full Application) Alterations and extensions - approved 07th May 1999

### **Consultation Responses**

The responses received from consultees during the consultation period are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website.

#### South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant proposes to discharge surface water to a sewer, which is the least sustainable method of surface water disposal within the drainage hierarchy. I recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location.

Byelaw 3 (Treated Foul Water): 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, Land Drainage Act 1991: I am 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 applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10: There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply

#### Cllr N J Chapman:

This site has been ripe for development for many years, so I can see no reason for objections with my limited knowledge of developing.

#### Holbeach Parish Council:

Concerns regarding the impact on the existing business to the rear of development and HPC supports their objection letter, inadequate parking does not meet parking standards and on street parking is heavily restricted.

#### Lincolnshire Wildlife Trust:

No substantive comments or recommendations on the proposal.

#### Lincolnshire County Council - Historic Environment:

Thank you for consulting us on this application. It is noted that the applicant has submitted an assessment of the heritage significance of the site, as required by Policy HE5 of the NPPF. This assessment, combined with the structural report, provides a proportionate record ahead of the proposed demolition, and we therefore raise no objection to the demolition from a built heritage perspective. The proposed development is situated within an area of archaeological potential as recorded in the HER (Historic Environment Record). The site lies within the area of the medieval settlement of Holbeach (MLI20227), while the site of All Saints' Hospital (MLI22232), founded in 1351, is recorded nearby. Archaeological investigations immediately adjacent at 4 Park Road (ELI2113) identified a ditch of possible Saxo-Norman date beneath buried topsoil, sealed by post-Medieval ground-raising deposits, together with later pits, ditches and a brick-lined culvert. Subsequent archaeological monitoring at the same site (ELI2114) identified redeposited silts and post-Medieval dumped deposits. The proximity of these records, particularly the possible Saxo-Norman ditch and the medieval settlement and hospital, indicates potential for associated buried archaeological remains to survive within the proposed development site.

The proposed development groundworks and any temporary works associated with the

development (including landscaping, drainage/services 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 in accordance with Policies HE10 and HE11 of the NPPF. There is archaeological potential, and we do not possess evidence that previous limited development activity truncated possible present heritage assets. We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will initially comprise but may not be limited to a continuous archaeological monitoring (watching brief) of the site during all groundworks. 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 and 03. This is in accordance with Policies HE5 and HE10 of the National Planning Policy Framework and Policy 29 of the South East Lincolnshire Local Plan.

#### Ecology Officer:

We support all mitigation and enhancement recommendations provided in section 4.2 of the PEA and request that they are required by condition.

We will require 1 emergence / re-entry surveys to be completed during bat season (May-September) according to "Bat Surveys for Professional Ecologists: Best Practice Guidelines". The results from which should be completed pre-determination so that the potential impacts to local bat populations are weighed into the planning process as a material consideration.

Due to the foraging potential on this site, we request that a bat-friendly lighting strategy is implemented (details of which can be found here: Artificial Lighting Guidance - Buildings, planning and development - Bat Conservation Trust) to minimise impacts on local foraging bats.

We request that a total of 5 integrated universal nest bricks and at least 2 integrated bat boxes are added to the development.

The proposal is exempt from BNG as the site area is less than 0.2 ha and there is non-priority habitat within the site.

#### Environmental Protection - Contaminated Land:

I request a screening assessment form to be completed at this location and submitted with photographs to the local authority.

#### Environmental Protection:

No comments.

#### Cllr S E Hutchinson:

I support the principle of redeveloping this site as it is prominent long-vacant brownfield site and bringing it back into use would undoubtedly be beneficial; however, I have significant concerns regarding the current proposal and, in my view, the application has been submitted before a number of key issues have been properly assessed. My main concern relates to the impact on the adjoining business as the proposals could undermine the operations of the business based on the current layout. The proposed layout would affect manoeuvring space and access arrangements used by the business. Therefore, the proposal would not accord with the Agent of Change Principle. Bat surveys have not been undertaken and therefore the proposal is unacceptable in ecology terms. There are significant concerns with drainage, for example the surface water hierarchy has not been adequately explored. Lastly, the number of parking spaces is inadequate.

#### Lincolnshire County Council - Highways and SUDS:

The site is located in a accessible location where day-to-day facilities and services can be reached by walking, cycling and public transport. Consequently, a lower level of car parking provision is considered acceptable in this location. There is also a pay and display car park opposite the site. The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions and the proposal would therefore not result in an unacceptable impact on highway safety. Highway informatives 02, 06 and 08 are recommended.

Conservation Officer: No response received.

Building Control: No response received.

South Holland District Council: No response received.

Cllr T Carter: No response received.

Holbeach & District Civic Society: No response received.

Lincolnshire Bat Group: No response received.

### 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, 6 representations from members of the public have been received.

- The proposed layout would undermine an established business next to the site (Hyper Works Garage) and as such, the proposal would be contrary to the Agent of Change principle (e.g. Policy P4).
- The proposal could block access to an emergency fire exit, cause issues to the amenity of any future occupants as a result of noise disturbance and cause issues for vehicles accessing the business.
- This building may not be of outstanding historic importance but it is within a Conservation Area and the proposal would result in the destruction of a period property within the town.
- The proposal would increase parking issues along Park Road. For example, there are already issues along the road caused by the need for staff and visitors to parking along the road when accessing Holbeach Medical Centre.
- A thorough search of the roof space should be carried out by an ecologist with swift nest experience. Any nests should be appropriately mitigated for.

### **Key Planning Considerations**

#### Development Plan

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, August 2026 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design, Layout and Impact on the Character and Appearance of the Area;
- Impact on Heritage Assets;
- Impact on Residential Amenity;
- Highway Safety and Parking;
- Flood Risk and Drainage; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

#### Principle of Development

Policy 1 of the Local Plan 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 defined settlement of Holbeach which is a Main Service Centre. Policy 1 sets out that development in this type of settlement 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.

Policy S4 of the NPPF sets out that 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 the NPPF.

According to the submitted information, the site currently features a derelict storage facility that was last in use in 2018. The submitted documents for a previous planning application (H09-0918-19) suggest that the site was vacant for years prior to this. Although the site was used for employment previously, the site has been vacant for years and as such, it is considered that the principle of redeveloping the site to provide residential development, when viewed in principle, is appropriate. This is provided the development is acceptable in terms of other material considerations.

#### Design, Layout and Impact on the Character and Appearance of the Area

Policy DP3 (Key principles for well-designed places) of the NPPF states 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.

Policy 2 of the Local Plan 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.

Policy 3 of the Local Plan accords with the provisions of Section 14 of the NPPF, 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.

The site currently features a two-storey building that is attached to 4 Park Road, which includes a ground floor retail business. The building features painted brickwork walls and a gable end roof form. The site features an existing vehicular access from Park Road that leads towards the rear of the frontage building. At the rear of the site, there is a metal clad building and a hardstanding yard area. Next to this yard area, there is another metal clad building where Hyper Works Garage appears to operate from. There are dwellings and flats located around the site.

The proposal seeks to demolish the existing buildings within the site and to construct a terrace of 3 dwellings near the site frontage, and 2 semi-detached dwellings to the rear. The 3 dwellings near the site frontage would be set behind front gardens, including some areas of planting and 1.2m high black iron railings.

The dwellings are all proposed to be of a similar scale and appearance. The dwellings would feature gable end roof forms, measuring 8.8m in height up to their ridgelines. Chimney breasts are proposed on the ends of the dwellings. The dwellings would each feature similar bay windows on their front elevations and dormer windows on their front roof slopes.

The building line of the proposed 3 frontage dwellings would be in line with 4 Park Road, which is located to the west of the site. The position of the dwellings is considered to be appropriate due to the continuance of the building line. The front garden areas are also considered to be suitable as Park Road features similar front gardens or driveway areas with a mixture of boundary treatments including black railings.

The 3 frontage dwellings would be located in a similar building footprint as the existing building; however, there would be a gap between the dwellings and 4 Park Road whereas currently the buildings are attached. No street scene plans have been provided to show the relationship between the proposed dwellings and 4 Park Road; however, based on the existing elevation plans it appears that 4 Park Road measures approximately 9.5m in height up to its ridgeline and approximately 5.8m up to its eaves. The building for the 3 dwellings would measure approximately 8.8m up to its ridgeline and 5.2m up to its eaves. Therefore, the proposed built form would be lower in height and its detached form would differ from the current building. Notwithstanding this, it is considered that the overall siting and scale of the frontage dwellings would be acceptable.

The 3 frontage dwellings are proposed to feature dormer windows on the front roof slopes. There appear to be no similar dormer windows in the immediate vicinity of the site; however, it is considered that the dormer windows could be suitable if appropriate materials were used as they are not of a significant scale or overtly out of character for the area.

3 parking spaces are proposed next to the building and due to their positioning, they would be relatively prominent when viewing the site. Ideally, the parking spaces would be located to the rear of the site.

2 dwellings are also proposed at the rear of the site and these dwellings would also measure 8.8m in height. The dwellings are proposed to face to the north-east of the site at a diagonal angle. The 2 dwellings comprise a backland form of development and often it is considered that backland development should be subservient in height, scale, mass and form to the surrounding frontage buildings. In this case, the dwellings would be the same height as the frontage dwellings and overall, it is considered that the dwellings would not be of a subservient or a suitable scale given the backland position of the site. Furthermore, the orientation of the dwellings is considered to be out of keeping for the area.

Overall, the plot layouts are considered to be cramped and this is evident from the relatively small gardens that are proposed. It is recognised that the proposal seeks to redevelop previously developed land within a relatively central position within Holbeach and as such, space is likely to be more constrained than a greenfield site elsewhere within the town. However, it is nonetheless considered that the site layout is cramped and results in an overdevelopment of the site, representing a conflict with Policies 2 and 3 of the Local Plan and Policy DP3 of the NPPF.

The external materials of the dwellings include the following:

- Ecostock Atherstone Red English Bond on the front elevation of the dwellings. The elevation plans only refer to this type of brickwork being on the front elevations and as such, it is unclear what is proposed on the other elevations.
- Natural slate roof.
- Warick Stone colour 'Bath' on heads / cills.
- Timber sliding sash cream windows.
- Timber black doors.
- Black aluminium rainwater goods.

Whilst the use of red brickwork and timber windows and doors is likely to be acceptable in principle, it is considered that further details of the external materials would need to be secured via a planning condition to ensure the materials are appropriate for Holbeach Conservation Area. For example, no details of the brickwork have been provided and as such, further details would be required.

Overall, it is considered that the proposed development would cause a relatively cramped form, and would represent an overdevelopment of the site. The proposed dwellings within the rear portion of the site are considered to comprise unsuitable forms of backland development due to the scale of the dwellings. Therefore, it is considered that the proposal would conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Policy DP3 of the National Planning Policy Framework (August 2026).

## Impact on Heritage Assets

Section 20 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. For example, Policy HE5 (Assessing effects on heritage assets) requires proposals affecting heritage assets to be accompanied by an assessment of the significance of the assets affected.

Policy HE5 (Assessing effects on heritage assets) sets out that development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance.

Policy HE6 (Proposals affecting designated heritage assets) of the NPPF sets out that when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

Policy HE7 (Decisions on non-designated heritage assets) sets out that where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

Policy HE9 (Conservation areas) sets out that where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.

Policy HE10 (Loss or removal of heritage assets) sets out that heritage assets with archaeological interest should be preserved in situ where feasible. Where an asset cannot be preserved or managed on-site, appropriate provision should be made for the investigation, understanding, recording, dissemination and archiving of that asset, which should be undertaken by suitably-qualified individuals or organisations.

Policy 29 of the Local Plan (Part B) sets out proposals within a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting.

The site is within Holbeach Conservation Area; however, there are no listed buildings on or next to the site. A consultation response has not been received from the council's conservation officer; however, Policy DM3 of the NPPF sets out that decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal. Therefore, it has been necessary to consider the proposals without a response from the conservation officer.

Firstly, it is not considered that the demolition of the rear building would harm the significance of the Conservation Area. The rear building appears to be a more modern structure that features metal cladding. It is not considered that this building features architectural or historic merit and as such, its demolition is considered to be acceptable in visual and heritage terms.

The frontage building is considered to comprise a historic building that requires further consideration. According to the submitted Statement of Heritage Significance, it is unclear when the frontage building within the site was constructed.

The 2009 Holbeach Conservation Area Appraisal states that 6-10 Park Road is a late 18th-century building, likely constructed as a warehouse originally, but that in the early 20th century it was used as a theatre called the Elite Palace, and later became a dance hall. The building was noted as a building of local historic interest in the 2009 Appraisal; however, according to the Holbeach

Conservation Area Appraisal and Management Plan (May 2026) the building is not identified as a "positive unlisted building" and the site is not identified as being within a "key view". Notwithstanding this, it is considered that the building is a non-designated heritage asset.

As set out previously, it is recognised that the frontage building has been vacant for a number of years and the proposal seeks to bring the site back into use; however, in this case the proposal seeks to demolish the buildings within the site rather than re-using them. The Statement of Heritage Significance concludes that the proposal would result in substantial harm to the building which is historic and has a moderate level of architectural significance.

The justification for demolishing the building rather than repairing and converting the building is the "likely substantial costs of repair and conversion"; however, limited details have been submitted regarding other options that might have been considered to re-use and retain the building. The application is accompanied by a structural survey which concludes that there are areas of damage within the building that require consideration and repair; however, the building is considered to be structurally stable.

Policy HE6 of the NPPF sets out that where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:

- "a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;*
- b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and*
- d. The harm or loss is outweighed by the benefit of bringing the asset back into use."*

The submitted Planning, Design and Access Statement does not refer to Policy HE6 nor does it identify any public benefits of the proposal. Whilst some benefits can be assumed such as bringing the site back into use and the provision of housing within a relatively sustainable area, it is not considered that the proposal is sufficiently detailed to justify the proposals against the requirements of the NPPF of Policy 29 of the Local Plan. As set out previously, Policy HE5 of the NPPF requires proposals to be accompanied by an assessment of relevant heritage asset and the effect of the development on the asset. The assessment should be proportionate to the asset's significance. As the harm in this case would be substantial, it is considered that insufficient information has been provided to show compliance with Section 20 of the NPPF.

The proposal would also result in the total loss of a non-designated heritage asset. Whilst there could be public benefits as a result of the proposals, for example through the provision of 5 dwellings, it is not considered that the loss has been adequately assessed nor that the benefits have been adequately identified.

As set out previously, LCC's Historic Environment Team consider that the site could contain buried remains that such remains should be recorded if planning permission is granted for the development. As such, it would be necessary to include conditions requiring a scheme of archaeological investigation to be carried out in order for the development to accord with Policies HE10 and HE11 of the NPPF and Policy 29 of the Local. Provided such conditions were agreed, it is considered that the development could accord with these policies.

For the above referenced reasons it is considered that the proposal conflicts with Policies HE5, HE6, HE9 and HE10 of the NPPF and Policy 29 of the Local Plan.

#### Impact on Residential Amenity

Policy P3 (Living conditions and pollution) of the NPPF sets out that development 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. The policy also sets out that proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing

development and land uses is a main consideration when making planning decisions.

It is considered that there would be sufficient internal living space within the proposed dwellings. For example, the dwellings accord with the nationally described space standard.

The proposed dwellings should not overlook one another or the nearest dwellings to the site to an unacceptable degree. This is due to the separation distances between the existing and proposed dwellings.

The proposed gardens are considered to be relatively small and cramped. Notwithstanding this, the council does not have minimum requirements for the amount of garden space that should be provided for dwellings, and each case needs to be assessed on its own merits. Smaller gardens could potentially be accepted in this case due to the site's location within a relatively central position within Holbeach and space is limited within the site; however, the position of the gardens next to existing businesses is also a concern in this case.

It is noted that concerns have been raised within Cllr Hutchinson's consultation response and some of the public representations regarding the potential impact of the development on surrounding businesses, including Hyper Works Garage which is immediately to the west of the site. Concerns have been raised that noise disturbance from the business could affect the future amenity of occupants of the dwellings. For example, two of the gardens are proposed adjacent to the garage building and no noise impact assessment has been submitted with the assessment to consider the potential noise levels that might be experienced by future occupants. Whilst it might be the case that suitable mitigation could be used to manage noise levels within the dwellings, the expected noise levels within the gardens remains unclear.

Policy P4 of the NPPF sets out that existing businesses, community facilities, public services and defence and security activities should not have unreasonable restrictions placed on their current or permitted operation as a result of development being approved after they were established. This means that development proposals should be capable of being integrated effectively with existing business, community and public service activities and infrastructure in their vicinity. The policy subsequently sets out that where the operation of an existing activity could have a significant adverse effect on a proposed new development in its vicinity, development proposals should:

*"a. Identify the nature of the potential impacts, informed where necessary by early discussions between the applicant (i.e. the 'agent of change') and those existing uses which could be affected by the proposal to inform the scope for mitigation; and  
b. Be able to demonstrate that suitable mitigation can be provided before first occupation of the development, if it is to be acceptable. Planning conditions or obligations should be used to secure agreed mitigation measures."*

There is no mention of the adjacent business within the submitted information and as such, it is unclear if the relationship between the business and the dwellings has been considered. In the absence of any information such as a noise assessment, it is not considered that the proposals have adequately considered how the development might affect an existing business that is adjacent to the site and as such, there is considered to be a conflict with Policy P4.

Similarly, Policy 30 of the Local Plan sets out that applications must include an assessment of the impact on amenity from existing uses. The policy sets out that suitable mitigation measures need to be provided if required, and that proposal will be refused if impacts cannot be suitably mitigation or avoided. In the absence of information provided, it is considered that the proposal also conflicts with Policy 30.

Furthermore, Policy DM1 of the NPPF encourages pre-application engagement wherever possible adjacent and it is considered that further consideration of the adjacent business should have been taken into account.

Therefore, it is considered that the proposal could result in an adverse impact on the amenity of future occupants. It is considered that further consideration of the relationship between the proposed development and the existing businesses next to the site should have been taken into account. Based on the information provided, it is considered that the proposal conflicts with Policies 2, 3 and 30 of the Local Plan and Policies P3 and P4 for the reasons outlined above.

Highway Safety and Parking

Policy TR6 (Assessing transport impacts) of the NPPF sets out that development proposals should only be refused on highways grounds 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.

Policy 2 of the Local Plan sets out 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 Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

There is an existing vehicular access to the site from Park Road which is to the north of the site. It is proposed to continue to use this access which is also used by several businesses. It is noted that concerns have been raised within the public representations and by Councillor Hutchinson regarding the joint use of this access between the dwellings and existing commercial business around the site, including Hyper Works Garage. However, it is also noted that LCC's highways team have not raised any concerns with the vehicular access.

According to one of the public representations that has been received, Hyper Works Garage requires a variety of vehicles to be able to access their site which is to the west of the current application site. This includes customer vehicle transports, flatbed recovery trucks and delivery vans. The site layout shows that the access towards the rear of the site would be approximately 4.1m wide and the redevelopment of the site would result in less space for vehicles to access Hyper Works Garage. According to the public representation, this could negatively affect the existing business and cause a highway safety concern as vehicles might need to reverse out of the site onto Park Road. It is unclear where vehicles currently park and turn around when accessing the Hyper Works Garage site. It is also unclear if LCC's highways team were aware of the Hyper Works Garage business and the desire to retain vehicle movement space.

The site layout shows 1 parking space per dwelling within the site. Based on the recommendations of Appendix 6, there should be 2 parking spaces per dwelling and as such, there is considered to be a conflict with Policy 36. Notwithstanding this, LCC's highways team consider that the lower level of car parking can be accepted in this case as the site is considered to be within an accessible location where day-to-day facilities and services can be reached by walking, cycling and public transport.

Therefore, whilst there is considered to be a conflict with Policy 36, it is not considered that this would result in a severe adverse impact on the transport network and as such, the proposal would not conflict with Policy TR6 of the NPPF. The conflict with Policy 36 will need to be weighed in the overall planning balance.

### Flood Risk and Drainage

Section 18 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

Most of the site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps. Part of the eastern side of the site is within Flood Zone 3.

The proposed development is classed as a 'more vulnerable' use, according to Annex F of the NPPF. As the site lies partially within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests in accordance with Section 18 of the NPPF.

The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

*Paragraph 27: "In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

*Paragraph 27a: "For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

Therefore, a settlement-wide search of Holbeach would typically be required; however, it is recognised that in this case only a small area of the site is located within Flood Zone 3. This area is located along the eastern edge of the site, and this is outside the footprint of the proposed dwellings. Furthermore, the site is not within a hazard area as identified within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). Areas that are not within hazard areas can be regarded as sequentially preferable given how much of the district is within higher risk hazard areas and Flood Zones 2 and 3. As such, in this case it is considered that the sequential test is passed.

In terms of the exceptions test, Policy F6 (Development in areas at risk of flooding from rivers or the sea) of the NPPF requires the following criteria to be met:

- 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."*

In term of part i, the NPPF does not specify what is considered to comprise a wider sustainability benefit; however, the NPPG provides some additional guidance including examples of such benefits. The examples include the re-use of previously developed land, an overall reduction in flood risk to the wider community through the provision of flood risk management infrastructure, and the provision of sustainable drainage systems (Paragraph 036 Reference ID: 7-036-20220825).

In this case, the proposal would involve the re-use of previously developed land that has remained unused for many years. As such, this weighs in favour of the proposals. The proposed drainage strategy is to discharge to a mains sewer, and it is unclear if a more sustainable means of drainage has been considered. Policy 4 of the Local Plan and Policies CC3, DP3 and F8 of the NPPF all encourage the use of sustainable drainage systems as opposed to discharging to the mains sewer system as a first resort. Whilst drainage details can be secured via a planning condition, it is considered that a drainage strategy should be considered as part of the formation of the site layout. Notwithstanding this, the proposed layout could introduce more impermeable surfaces than are currently located within the site which could help with managing surface water run-off.

In terms of part ii, the submitted FRA sets out recommended flood risk mitigation for the proposed dwellings. This mitigation includes the recommendation that the finished floor levels of the dwellings should be at least 0.3m above the existing ground levels. It is considered that this mitigation could be secured via a condition. It is also considered that the proposed level of mitigation is appropriate

in this case based on the recommendations of the SFRA. As such, it is considered that the development could be made safe in flood risk terms in accordance with part ii.

In terms of part iii, subject to conditions requiring compliance with the submitted FRA and requiring further drainage details, it is considered that the development would not increase flood risk elsewhere.

Therefore, it is considered that the sequential and exception tests are passed.

It is unclear if a more sustainable drainage strategy could be included rather than discharging surface water runoff to the mains sewer. Whilst drainage details could be secured via conditions, the cramped layout in this case limits opportunities for incorporating sustainable drainage measures such as soakaways, which need to be 5m from buildings and 2.5m from boundaries.

Policy F8 of the NPPF sets out the following:

*"Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. The systems employed should provide multifunctional benefits where possible, facilitating improvements in water quality, biodiversity and amenity."*

It is considered that an alternative drainage strategy should have been explored. Notwithstanding this, as the site is mostly within Flood Zone 1 and the proposal would likely increase impermeable land within the site rather than increasing it, it is not considered that the proposed drainage strategy weighs heavily against the development in this case.

#### Biodiversity Net Gain & Ecology

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 the application is exempt from the statutory 10% Biodiversity Net Gain requirements as the area is less than 0.2 hectares and there is no priority habitat within the site.

The application is accompanied by a Preliminary Ecological Appraisal and the council's ecology officer support the mitigation and enhancement recommendations set out within the PEA. The PEA sets out that a bat survey is required due to the potential for bat roosts within the site. This has been queried with the applicant's agent; however, a bat survey has not been undertaken. Councils have a legal duty to consider the conservation of protected species such as bats when considering

development proposals. Bats and their roosts are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Planning Practice Guidance sets out the following:

*"You should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the development proposal on protected species before you can grant planning permission. You can add an 'informative' note to the planning permission to make it clear that a licence is needed."*

As a bat survey has not been provided, the LPA has not been provided with the information that it requires to fully assess the proposals. Planning Practice Guidance and Caselaw are clear that planning applications should not be approved if there is a reasonable chance that protected species could be harmed without adequate measures being in place such as protection measures during construction works and any subsequent mitigation. Therefore, it is considered that the proposals would be contrary to Policy 28 of the Local Plan and Policy N2 of the NPPF, which amongst other things seek to ensure that impacts on protected species are minimised and mitigated for.

## **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.

It is recognised that the site features disused buildings and the proposal seeks to bring the site back into use through its redevelopment. Policy 1 of the Local Plan supports appropriate development within settlements such as Holbeach. Furthermore, Policy S4 of the NPPF requires proposals within settlement to be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

In this case, the proposals would provide benefits by bringing a site back into use and making a moderate contribution to the area's housing land supply which can be given moderate weight due to the Council's lack of a 5YHLS.

Notwithstanding this, it is considered that the proposed layout is overly cramped. In particular, the two dwellings towards the rear of the site represent an unsuitable form of backland development. The site would result in substantial harm to a designated heritage asset through the demolition of the building and it is considered that insufficient information has been provided to justify the harm, thereby conflicting with Policies HE5, HE6, HE9, HE10 of the NPPF and Policy 29 of the Local Plan. This conflict is given significant weight against the development.

It is also considered that insufficient information has been provided to assess the relationship between the proposed development and the adjacent businesses to the site, including an automotive workshop. In the absence of an assessment of the potential impact of the development on the amenity of future occupants, it is considered that the proposal conflicts with Policies P3 and P4 of the NPPF and Policies 2, 3 and 30 of the Local Plan.

The proposal does not technically accord with Policy 36 of the Local Plan as the number of proposed parking spaces does not accord with the recommendations of Appendix 6 of the Local Plan. Notwithstanding this, LCC's Highways Team have accepted the reduced level of car parking given the site's relatively central position within Holbeach and it is not considered that there would be an adverse impact in terms of highway safety.

It is not considered that the development would pose an unacceptable risk in flood risk terms; however, it is considered that insufficient consideration has been given to the use of a sustainable drainage strategy and this weighs against the development.

Bat surveys have not been undertaken despite being recommended within the submitted PEA. The LPA has a legal duty to consider protected species legislation before determining any planning application where wildlife impacts may reasonably arise. As bat surveys have not been undertaken it is unclear if there are protected species within the site and if relevant measures can be secured to ensure such species are protected and mitigated for. This is contrary to planning guidance and relevant case law and as such, the lack of information weighs significantly against the development. It is not considered that there are exceptional circumstances to justify granting approval without bat

surveys in this instance.

In this instance, there are material considerations that weigh significantly against the proposal and as such, the planning balance is against 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**

The proposal is considered to conflict with Policies 2, 3, 28, 29, 30 and 36 of the Local Plan and Policies S4, DP3, P3, P4, HE5, HE6, HE9, HE10, N2 of the NPPF. These are 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 refused under delegated authority.