DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0237-26**	**Applicant:**	**Mrs J Johnson**
Proposal:	Siting of Modular Portable Building to be used as Hairdressers		
Location:	Land To Rear Of 14 Market Place Spalding Lincolnshire		
Terminal Date:	11th May 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
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
28	The Natural Environment
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT	0	0	0	1

CIVIC SOCIETY				
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 erection of a modular building to be used as a hairdressers on the site to the rear of 14 Market Place, Spalding. The building would measure 9.8m by 3m, with a maximum height of 2.85m. The building would be clad in soft green fibre cement weatherboard, with a GRP roof in slate grey. Doors and windows would be dark grey UPVC.

Site Description

The site is within the defined town centre of Spalding, as outlined in the South East Lincolnshire Local Plan, 2019, within the edge of the primary shopping area. The proposal site is an area of disused 'back land' to the rear of 14 Market Place, Spalding. The site is adjacent to an already extant outbuilding to 14 Market Place, and sandwiched between the rear of Market Place properties and the Draper's Place and Gore Lane Car Parks. The site is within the curtilage of 14 Market Place which is a grade II listed building, described by Historic England like so:

"Early-mid C19. 3 storeys in painted brick with rusticated quoins. Blocking course on carved brackets and dentil cornice. 2 windows in shouldered surrounds with pediments to 1st floor and small balconies on brackets to top floor. Band between storeys. 1st floor has 2 windows with modillion pediments and shouldered surrounds. Modern shop front."

This setting is central within the Conservation Area for Spalding (SCA) and can be readily viewed from publicly accessible areas, including from residential properties along Gore Lane and on the edges of the Gore Lane Car Park. Currently, the rears and rooflines of the numerous Listed Buildings to Market Place can be readily seen from views within the Gore Lane/Drapers Place car parks.

This portion of the Conservation Area is in a relatively poor condition, with numerous additions which are visually harmful to the setting. The area is generally characterised by a mix of Residential and Commercial development.

The Grade II listed Nos 11 & 12 Market Place are listed for group value along with 14 Market Place and are visible within views of the site and therefore, this proposal can be considered to be a part of the setting of these additional listed buildings.

Relevant History

H16-0637-23 - Full - Erection of 2 bedroom dwelling - re-submission of H16-0323-23. REFUSED 12-09-23. Appeal dismissed

H16-0323-23 - Full - Erection of 2 Two Bedroom Apartments. REFUSED 01-06-23.

H16-0079-23 - Condition discharge - Details of window frames (Condition 4 of H16-0717-22). APPROVED 01-02-23

H16-1153-22 - Condition Discharge - Details of construction management, private refuse/recycling and cycle storage (Conditions 3, 4 and 5 of H16-0716-22). APPROVED 09-01-23.

H16-0717-22 - Full - Creation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials. APPROVED 03-11-22.

H16-0716-22 -Full - Creation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials. APPROVED 03-11-22.

H16-0563-22 - Full - Internal Shop Alterations & New Front Sign. APPROVED 29-09-22.

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:

Conservation Officer

Due to its location at the rear of the site and the small-scale design of the proposal, the development will not impact the setting of the listed building or the conservation area. This section of the Conservation Area is currently in poor condition, and the proposal could potentially help to improve the appearance of this part of the site through maintenance and tidying its visual appearance. The proposed building is very subservient in scale, only marginally taller than the boundary wall. As such, the overall impact to the setting of the listed building and conservation area is minimal. Whilst it does not form part of the decision- making process, we would prefer for any Class E uses to utilise existing vacant units within the High Street.

Spalding and District Civic Society

We wish to object to the above application as we feel a prefabcicated structure in the back of a commercial premises is not necessary when there are plenty of town centre shop units to rent. Also the entrance location from the car parks is not idea.

Highway and Lead Local Flood Authority

No objection - Siting of Modular Portable Building to be used as Hairdressers. Pedestrian access will be from Abbey Path, there is no parking available on site and no vehicular access to the site. It is a town centre location with parking available in public car parks within the vicinity. Services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. 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.

Environmental Protection

No comments.

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. Finally, as the proposal site is located within the designated Conservation Area of Spalding and is also adjacent to several Listed Buildings including No.14 Market Place, the SHDC Conservation Officer should be consulted before any decision is made.

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

Policy Context

Spatial Strategy

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 Spalding which is classed as sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The Retail Hierarchy

As the site is within the town centre of Spalding, Policy 24 of the SELLP is also applicable here. In this context, Policy 24 states: "planning permission will be granted for retail, food and drink outlets, financial and professional services, leisure and tourist-related uses (Classes A1-A5, B1, D1 and D2) and residential development. The provision of markets and other appropriate initiatives that would enhance the vitality and viability of Boston and Spalding town centres will be supported."

Policy 24B states:
"New development within the Sub-Regional, District and Local Centres will be expected to:
1. be physically integrated and have good pedestrian and cycle links, with the rest of the centre;
2. generate a reasonable level of footfall and be open to the public;
3. contribute to an appropriate balance of uses;
4. achieve an acceptable level of amenity, including provision of refuse and recycling facilities; and
5. achieve an acceptable level of highway access, parking and servicing."

It should be noted that several of the Use Classes referred to within Policy 24 are now defunct under the changes within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. As a result of this, Classes A1, A2, A3 and B1 have been superseded to become the more flexible Class E category. Several uses within the former classes of D1 and D2 would also now fall within Class E also. Nevertheless, the thrust of Policy 24, in that town centres should have appropriate uses which support the vitality and viability of that centre, remains wholly applicable.

As a result of the outdated Use Classes referenced in Policy 24, the definition of town centre use found within Appendix 1 of the NPPF may be more appropriate. The NPPF defines main town centre uses as:
"Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."

Supporting Spalding Town Centre

Where an application would be located within the primary shopping area of Spalding, Policies 25 is also applicable.

Policy 25 "Supporting the Vitality and Viability of Boston and Spalding Town Centres" outlines seven broad aims for the town centres of Boston and Spalding. These are not criteria to be met, but are permissive to help enable appropriate development within these defined areas. In this context, Policy 25 states:
"The Councils will promote appropriate opportunities to support and extend the offer of the town centres as destinations through the following:
1. Supporting the redevelopment of land within the town centre boundary that can provide for retail and other town centre uses in accordance with the sequential test;
2. Enhancing existing sites and ensuring changes to premises have regard to the significance of heritage assets and the special interests of the Conservation Areas and their settings;
3. Enhancing the public realm through improvements to public spaces, accessibility and signage;
4. Promoting town centre events;
5. Providing interpretation and promotional information;
6. Supporting proposals that seek to maintain the viability and attractiveness of the weekly markets;
7. Encouraging opportunities to support temporary uses in vacant premises in the primary shopping areas."

Due to the broad scope of the policy, every point would not be relevant to every application; however, should a proposal broadly align with the individual points or the overarching principles, then weight would be given in favour of the development under Policy 25.

Ensuring the Vitality of Town Centres

Section 7 of the NPPF "Ensuring the vitality of town centres" encourages appropriate development within town centres, applying a town centre first approach to the development of town centre uses (as defined in Annex 1 and referenced previously in this report). Paragraph 90 of the NPPF states:
"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation"

Previously Developed Land

Section 11 of the NPPF outlines broad considerations to encourage the effective use of land. Paragraph 125 states:

"Planning policies and decisions should (Ã?¢?¦) 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"

The definition of previously developed land, which is interchangeable with brownfield land, can be found in Annex 2 of the NPPF. It reads 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."

Assessment

Retail Hierarchy

As outlined previously, as the site is within the town centre of Spalding, an assessment of the appropriateness of a use would be made under Policy 24.

The use as a hairdressing salon would be a Class E use, from the information provided, meaning the broad principles of Policy 24A have been met. Turning to the five requirements of 24B, the following is considered:

1.The site is moderately integrated as it is within the town centre. Integration with the primary shop frontages is limited, due to the positioning to the rear of the High Street and lack of connection between the two. To access the site, a customer would have to pass along Abbey Path or Drapers Place car park, both of which are secondary routes. This is a short walk and is considered reasonable.
2.The site would be open to the public. The business is already established elsewhere, and would generate a reasonable level of footfall. "Walk in trade" may be limited by the positioning of the building, although salons tend to derive a high level of custom from pre-booked customers, meaning this would not be as detrimental.
3.As a Class E use, the proposal would contribute to an appropriate balance of uses.
4.No exact details of refuse storage have been provided. However, given the nature of the use, refuse creation is unlikely to be significant. All other amenity aspects are considered acceptable.
5.Access to the town centre, whilst not ideal due to the backland site, is still good. A car park is immediately adjacent to the site, ensuring suitable parking and accessibility.

The proposal would therefore broadly align with Policy 24. By extension, the proposal would be consistent with the requirements of Policy 1, as an appropriate town centre use.

Supporting the Town Centre and Previously Developed Land

Turning to Policy 25, the proposal aligns with the first point. The proposal would redevelop an existing piece of previously developed land, creating an appropriate Class E use. Point 2 is discussed in greater detail later in this report; however, the Conservation Officer has raised no objections to the proposal, and the impact upon the Conservation Area is considered to be limited.

The proposal would therefore conform with the most relevant areas of Policy 25. Weight is given in favour of the proposal accordingly.

The proposal would represent a town centre use, as defined in the NPPF. As a town centre use, within the town centre, the requirements of Section 7 are met.

Finally, as the site represents the reuse of previously developed land, weight is given in favour of the proposal under Section 11. Whilst the proposal does not meet an identified need specifically (i.e., there is no need for additional salons identified in the SELLP), it would contribute to the needs of the town centre, for the reasons outlined above.

Principle of Development - Summary

The proposal represents an appropriate town centre use, within the defined town centre of Spalding, which would redevelop an area of brownfield land. There is nothing within the SELLP or the NPPF which directs developments to existing units in the first instance. The requirements of Policy 24 with regards to new facilities have been met, despite the sub-optimum relationship with the primary shop frontages.

On this basis, the proposal is in accordance with Policies 1, 24 and 25 of the SELLP and Sections 7 and 11 of the NPPF.

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

Design 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.

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.

Heritage Policy Context

The site lies within Spalding Conservation Area and lies within close proximity to a number of listed buildings and structures; including those listed within the site description section of this report.

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

In assessing proposals of this nature, the Local Planning Authority must also ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great 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 harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 220 expands upon this, in relation to Conservation Areas, stating:
"Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole"

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets. Policy 29 is broken into five interrelated sections, with parts A, and B relevant here.

Policy 29A, relating to listed buildings, states: "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

Policy 29B, relating to conservation areas, states: "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:
1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;"

To this end, all proposals in the Conservation Area or which affect listed buildings should preserve or enhance their settings.

Assessment

The Conservation Officer has raised no objections to the proposal, outlining that there would not be an impact to the setting of the listed building or the Conservation Area. The Inspector's report for a previous appeal on site (APP/A2525/W/23/3329682) identified that this portion of the Conservation Area has already seen significant degradation through the insertion of inappropriate features and utilitarian structures. On the basis of the existing quality of this area of the Conservation Area, it is considered that the bar for a negative impact, or harm, would be changed accordingly.

The proposal is a low lying structure, only marginally taller than the surrounding wall. It is not visible from the market place or primary shop frontage, with views of the site being restricted to rear windows and the adjacent car park. Primarily, these views would be of the roof and uppermost portions of the building. Given the commercial uses in the area, and the mix of built form, the relative significance of this building is diminished somewhat. As such, the tangible impacts of the development are lowered.

The materials selected are atypical in the area. Whilst not unpleasant, they are distinctly modern. The overall appearance of the building is similarly modern, and fails to reflect the existing vernacular of the area. There has been no attempt to replicate the existing features of 14 Market Place or other nearby units. It would appear as a more suburban feature, similar to an outbuilding, than a typical town centre unit.

That being said, the proposal is clearly for a temporary building. Given this, any impact would not be permanent, and there would be no long term degradation to the Conservation Area or setting of the listed building. Accordingly, and given the comments of the Conservation Officer, it is considered that a temporary permission would not harm the character or appearance of the area, or result in harm to the significance of the nearby listed buildings.

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.

The hours of opening are typical town centre hours. The use would generate no significant impact upon the nearby residential properties.

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.

The proposal is in the town centre, immediately adjacent to a car park. Whilst there are not dedicated parking facilities on site, the site is entirely accessible from public car parks and the wider High Street.

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 Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site being outside of low hazard area for the present day, and for 2115. The Residual Peak Depth Map for the 1% fluvial and 0.5% tidal shows that the site is outside of the area at risk in the present day, and for 2115.

Given the proposed use of the site, and the fact that the whole of Spalding Town Centre is in the same flood risk classification, it is considered that the proposal would pass the sequential test. The proposal is therefore acceptable from a flood risk perspective.

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.

The site is a sealed surface, and would therefore be exempt under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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, subject to a temporary permission for the use being issued. 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, 24, 25, 28, 29, 33, and 36 of the SELLP, as well as Sections 9, 11, 12, 14 and 16 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.