

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 23 September 2026

(Author: Jacob Bryan - Planning Officer)

Purpose: To consider Planning Application H16-0654-26

Application Number: H16-0654-26

Date Received: 10 July 2026

Application Type: FULL

Description: Proposed Refurbishment of Sports Pavilion and Repairs to Existing Roof and Erection of Storage Shed

Location: Spalding United Youth Football Club Pennygate Spalding

Applicant: Spalding United Youth Football Club **Agent:** Austin John Architectural

Ward: Spalding Monks House **Ward Councillors:** Cllr S Chauhan
Cllr I H Sheard

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0654-26>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application site comprises Council owned land.

2.0 PROPOSAL

- 2.1 This is a full planning application seeking permission for the proposed refurbishment of an existing sports pavilion, and repairs to the existing roof at Spalding United Youth Football Club, Pennygate, Spalding. The proposal also seeks permission for the erection of a storage shed
- 2.2 The proposal does not seek to increase the footprint or height of the pavilion itself, with the main external addition being the erection of a storage shed, measuring 1.5m by 3.3m, to the east of the pavilion building.
- 2.3 Internally, alterations are proposed to make better use of the floor space. The internal alterations would provide for two changing rooms (one for each team), each served by an independent shower room, and the reduction of the existing plant room to allow for an additional 'Officials Changing Room'. Public toilets and a refreshment kitchen would also be provided.
- 2.4 Two separate covered areas, accessible to the public, and a main lobby area, are also proposed to be featured within the current overhanging roof, to the front of the main building.
- 2.5 It would make use of facing brickwork and anthracite grey cladding on the walls, with the roof being constructed from metal sheeting to match the existing built form. Metal roller shutters are proposed, alongside dark grey aluminium personnel doors to match that of the existing rear doors.

3.0 SITE DESCRIPTION

- 3.1 The site is located within the defined settlement boundary of Spalding, as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The existing sports pavilion is set within the northern section of the Monkshouse Playing Field and sits directly adjacent to 'The Spalding Monkshouse Primary School'. It has been in situ for a significant period of time and is used in conjunction with the football field, as a changing room for its users.
- 3.2 The site has access via Pennygate and is within close proximity to multiple residential dwellings. The area is predominantly characterised by residential properties, with a large open space to benefit residents in the immediate and wider area.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

- 4.3 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 4.4
- 01 - Spatial Strategy
 - 02 - Development Management
 - 03 - Design of New Development
 - 04 - Approach to Flood Risk
 - 32 - Community, Health and Well-being
 - 36 - Vehicle and Cycle Parking
 - APPENDIX 6 - Parking Standards

4.5 National Guidance

4.6 National Planning Policy Framework (NPPF), August 2026

- 4.7
- Section 4 - Achieving sustainable development
 - Section 7 - Building a strong, effective economy
 - Section 14 - Achieving well-designed places
 - Section 15 - Promoting sustainable transport
 - Section 16 - Promoting healthy communities
 - Section 18 - Managing flood risk and coastal change

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 No relevant site history.

6.0 REPRESENTATIONS

6.1 Lincolnshire County Council Highways & SUDS

- 6.2 No Objections

- 6.3 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway

Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

6.4 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.

6.5 Comments:

The site already has permission for proposed refurbishment of Sports Pavilion and Repairs to Existing Roof and Erection of Storage Shed, and this will generate a comparable amount of trips. It is therefore not possible to raise an objection to the proposals based on traffic impact, in accordance with the NPPF.

6.6 Highway Informative 06

This application is a minor application, and it is the LPA's responsibility to satisfy themselves that the risk from surface water flooding is acceptable. It is noted that the proposal is located in an area at risk from surface water flooding. We therefore suggest that, to assist the LPA, a Flood Risk Statement is submitted which considers this risk and any necessary mitigation.

6.7 Ecology

6.8 We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist. We also recommend the inclusion of ecological enhancements on site, such as bird and/or bat boxes, either integrated into the building fabric or installed as wall-, pole-, or tree-mounted features.

6.9 South Holland District Council Environmental Protection

6.10 No comments.

7.0 **CONSIDERATIONS**

7.1 **Key Planning Considerations**

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

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

7.3 **Evaluation**

7.4 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.

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

7.6 The policies and provisions set out in the National Planning Policy Framework (August 2026)

are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.7 Planning Considerations

7.8 Principle of Development and Sustainability

- 7.9 Policy 1 of the South East Lincolnshire Local Plan (2019) 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.
- 7.10 Policy 1 of the South East Lincolnshire Local Plan (2019) 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.
- 7.11 Policy S4 of the National Planning Policy Framework (2026) outlines when development within settlements would be acceptable. This states: "Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."
- 7.12 The application site in this instance lies within Spalding, the sub-regional centre, as detailed by Policy 1. Policy 1 details that "Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres".
- 7.13 The South East Lincolnshire Local Plan sets out, within its reasoned justification, that these settlements are "clearly the largest urban areas and centres for services for the Local Plan area and beyond", and are the areas that "need to continue to accommodate the level of services and economic opportunities for the benefit of communities over a widespread area".
- 7.14 Beyond this, Section 16 of the National Planning Policy Framework (2026), which relates to 'Promoting healthy communities', is also relevant to the assessment of this proposal. The objective of Section 16 is to promote the creation of healthy and inclusive places through enabling development which can support this aim and seeking to retain, improve and deliver new facilities.
- 7.15 Policy HC4 of the National Planning Policy Framework (2026) discusses "Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits". This expresses, under Policy HC4(1) that "Substantial weight should be given to the benefits where:
- a. New or improved public service infrastructure or community facilities would be provided; and
 - b. Development proposals would make a demonstrable contribution towards promoting good health, preventing ill-health, reducing health inequalities or supporting social interaction in the local community (such as, but not limited to, the provision of new recreation facilities, meeting places and opportunities to grow or purchase healthier food)".
- 7.16 Furthermore, Policy HC7, which relates to 'Development affecting existing recreational land and facilities', details under para (1) that development proposals should not result in the loss of sports and recreational buildings unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality and providing it would be in a location which offers comparable or improved accessibility for the community it serves.

- 7.17 Policy 32 of the South East Lincolnshire Local Plan (2019) relates to 'Community, Health and Wellbeing' and details that "Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being". This goes on to express, in a similar regard to that of Policy HC7 of the NPPF, that "The redevelopment or change of use of an existing community facility will be permitted only if:
1. an assessment has been undertaken which has clearly shown that the facility is: a. surplus to requirements; or
 - b. not economically viable; or c. unfit for purpose; and d. in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms; or
 2. the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location; or
 3. (in the case of sports facilities or recreational open space) the redevelopment or change of use is for alternative sports or recreational provision, the need for which clearly outweighs the loss.
- 7.18 It is evident that the proposal would not result in the loss of the existing sports building. In this instance, whilst the proposal does not seek to introduce a new facility; the proposal does seek to enhance and refurbish an existing facility. The resultant development would therefore see a better provision in this regard.
- 7.19 It is considered that the proposed refurbishments to this existing, and well established, sports pavilion would benefit the community. The pavilion facility would be better suited for its purpose and direct needs, and would continue to offer a dedicated facility for its wider use. Whilst the refurbishments would not in itself result in an increase in the use of the site, in respect of additional games or community use, the proposal would be seen as an overall betterment and improvement to that of the existing and established premises, and this would in effect, offer a more beneficial and inviting facility.
- 7.20 In any case, the proposal is located within a service centre and relates to an existing and established sporting facility and therefore, the principle of such development is considered to be appropriate, and would accord with the provisions of Section 16 of the National Planning Policy Framework (2026).
- 7.21 As such, the proposal is considered to be acceptable and in accordance with Policy 1 and 32 of the South East Lincolnshire Local Plan (2019), and Section 16 of the National Planning Policy Framework (2026), when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.
- 7.22 Layout, Design and Consideration of the Character and Appearance of the Area
- 7.23 Section 14 of the National Planning Policy Framework (2026) specifically relates to 'Achieving well-designed places' and details that the objective of the policy is to "promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.24 Paragraph 1 of DP3, contained within Section 14 of the National Planning Policy Framework (2026), states that development proposals should respond to their context to integrate with and enhance their surroundings. This can be achieved through the arrangement of plots and buildings, use of materials and architectural features, as well as the restoration, reuse and integration of heritage assets. Notwithstanding this, it should not preclude innovation or change where it is considered to be appropriate, particularly where an increased scale or density can be justified.
- 7.25 In order to create well-designed places, Paragraph 2 states proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These include, liveability, climate, nature, movement, built form, public space and identity.
- 7.26 Further to this, Paragraph 3 of Policy DP3 goes on to establish that proposals should be

refused if, without clear justification, they conflict with Paragraph 1 or the relevant aspect of the principles within Paragraph 2, as outlined above. Alongside this, explicit design standards set out within the development plan must also be taken into consideration. Conversely, substantial weight should be given to compliance with development plan policies when assessing the design quality of proposals.

- 7.27 Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the South East Lincolnshire Local Plan (2019) accords with the provisions of Section 14 of the National Planning Policy Framework (2026), 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.
- 7.28 These policies accord with the provisions of the National Planning Policy Framework (2026) 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.
- 7.29 As outlined above, the footprint and height of the existing pavilion would remain unaltered and would not be increased. A new external storage shed would be located on the east elevation, which would measure 1.5m by 3.3m and would have a maximum height of 2.7m. This storage shed would be relatively concealed from view of the public, from beyond the wider site to which the building would serve, due to its siting. Furthermore, the proposed shed would be constructed from materials to ensure it would relate appropriately to the existing pavilion.
- 7.30 The proposal, as detailed, would bring forward various minor amendments/additions across each elevation; however, it is viewed that none of these changes would give rise to an adverse impact, or have the potential to cause significant harm, to the character or appearance of the area. These alterations include, but are not limited to, the proposed football club and sponsor signing (including the logo) on the rear and side elevation, as well as additional doors and railings across various points to make the site more accessible throughout. These additions/alterations would not be significant as to result in any potential harm to the character of the area.
- 7.31 Each aspect would be constructed from materials to either match the existing building, or feature anthracite grey cladding on the walls. The roof would be constructed from metal sheeting, the doors would feature metal roller shutters to match, with dark grey aluminium personnel doors which would match the existing rear doors. Throughout, the materials used within the refurbishment are considered to be acceptable and suitable for the building they relate, and the part introduction of anthracite grey cladding would not cause harm to the character of the area along Pennygate.
- 7.32 Finally, the main purpose of the proposal to seek to introduce a new layout to the floor space, to see an overall improvement to the functionality of the pavilion building. The proposed layout changes would provide an appropriate and well functioning layout, which could be utilised effectively for its intended purpose.
- 7.33 Under the current external overhang aspect of the building, the proposal seeks to provide a lobby, with additional walls and a new door. Beyond this, it would also provide for two separate covered areas that are accessible to the public, with access to the toilets. These alterations are, for the most part, purely internal and would not be readily visible from the highway or street scene. Those that are visible are not to such an extent that harm is considered to arise.
- 7.34 Overall, the proposal would help modernise the existing built form, forming an improved and better functioning facility for its intended use. No harm would arise following the refurbishments.
- 7.35 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to

the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (2026).

7.36 Impact on Residential Amenity/Land Users

7.37 Policy DP3, Paragraph 2, of the National Planning Policy Framework (2026) states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

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

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

7.40 The predominate aspect of this proposal relates to the internal alterations and the erection of an adjoining storage shed. The internal changes are such that there would be no additional adverse impact upon neighbouring residents. Furthermore, the erection of an attached storage shed would be relatively minor in scale in relation to the existing pavilion and would therefore not cause any adverse material harm.

7.41 Naturally, during the construction and carrying out of work hereby proposed, there would be an increase in noise. However, this would be solely throughout a relatively minor period of time so that the noise produced would not be materially or adversely harmful in this regard. The proposal would allow for the use of the facility; however, this function exists at present and as such, the proposal is not considered to give rise to an unacceptable increase in use.

7.42 As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 14 of the National Planning Policy Framework (2026), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

7.43 Highway Safety and Parking

7.44 Section 15 of the National Planning Policy Framework (2026) specifically relates to 'Promoting sustainable transport'. Policy TR6 (4) advises that "Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion".

7.45 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.

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

or more bedrooms.

- 7.47 The access arrangements to and from the site would remain unaltered, being accessed via Monkshouse Lane and Pennygate. Parking would be retained, being provided along both roads. The Design and Access Statement discusses that there are *"21 bays adjacent to the site and 3 accessible bays on site"*, this is therefore considered to be acceptable in this regard and provides suitable provision for spectators and visitors.
- 7.48 Lincolnshire County Council, as Local Highway Authority, have raised no objections to the proposal outlining that the refurbishments would generate a comparable amount of trips to the existing building on site. They conclude by outlining that they raise no objections to the proposal based on traffic impact.
- 7.49 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 15 of the National Planning Policy Framework (2026).
- 7.50 Flood Risk
- 7.51 Section 18 of the National Planning Policy Framework (2026) explains that the objective of the policy is to "minimise risks to development arising from all sources of flooding and coastal change, taking into account the impacts of climate change, by steering development away from areas of risk, ensuring that development will be safe for its lifetime without increasing flood risk elsewhere, and incorporating sustainable drainage systems where appropriate".
- 7.52 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.
- 7.53 The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.
- 7.54 Policy F5(3) of the National Planning Policy Framework (2026) considers this matter further, and states that "the strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test". 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.
- 7.55 In this regard, the site is classed as being within an area of no hazard within the South Holland Strategic Flood Risk Assessment.
- 7.56 With this in mind, Policy F5 details that the sequential test is not required if the proposal relates to a "ii. Small non-residential extensions (with a footprint of less than 250m²)". As such, the sequential test is not required in this instance. In addition, Policy F6(2) details, under point a, that "The application of the exception test should be informed by a site-specific flood risk assessment. The exception test does not need to be applied: a. To those forms of development, or in those circumstances, where the sequential test is not required, as set out in policy F5". As such, given that the sequential test is not required, the proposal is not subject to the exceptions test in this instance.
- 7.57 Notwithstanding this, the proposal seeks to refurbish and alter an existing built form, which has functioned for the same purpose for an extended period of time. The predominate floor space of the built form remains unaltered, with the exception of a minor storage shed, and the concrete floor of the changing rooms are already raised to approximately 150mm - 300mm, which is

considered to be satisfactory.

7.58 As such, even in such instance that a sequential test has not been provided and would have been required, the existing use of the site, and the extent and nature of the proposal, are such that there would not be any significant harm raised and it would not materially increase the flood risk for the site and surrounding area in a harmful way. As such, on balance, the proposal would have been considered acceptable in this regard.

7.59 Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (2026) in this regard.

7.60 Biodiversity Net Gain

7.61 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.

7.62 The Planning Practice Guidance details that "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".

7.63 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.

7.64 The development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. This is due to the fact that no habitats are being affected by the proposed development, with the works mostly internal, with the exception of a 5sqm external shed. The proposal would therefore not impact more than 25square metres of on-site habitat and can be considered to be de minimis in this regard.

7.65 **Planning Balance**

7.66 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.

7.67 The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (2026) when viewed as a whole.

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

7.69 **Additional Considerations**

7.70 Public Sector Equality Duty

- 7.71 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.
- 7.72 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.73 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.
- 7.74 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.75 Human Rights
- 7.76 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).
- 7.77 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.
- 7.78 **Conclusion**
- 7.79 Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28, 32 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (2026). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

8.0 RECOMMENDATIONS

- 8.1 Based on the assessment detailed above, it is recommended that the proposal should be approved subject to those conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:
- AJA/1389/26/01 - Proposed Ground Floor Plan, Proposed Elevations, 3D View, Block Plan, Site Location Plan
 - Flood Risk Assessment
 - BNG Exemption Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials of the external surfaces of the development hereby permitted shall be carried out in accordance with the details outlined within the application form and approved plans.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

5. **Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

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

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

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

The works are mostly internal and would impact less than 25 square metres of on-site habitat.

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite

habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A - Plan A

MapThat Scale Print Title

