

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0682-26 **Applicant:** Miss V Frohock

Proposal: Erection of 4 no. dwellings, change of use of existing packhouse to a single dwelling and demolition of agricultural buildings.

Location: The Hollies Farmyard Pilmore Lane Fulney

Terminal Date: 16th September 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking

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 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
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the demolition of two agricultural buildings to allow for the erection of 4 new dwellings. The dwellings are proposed to be semi-detached.

Planning permission is also sought for the change of use of an agricultural building to form one dwelling. A single storey extension is proposed on the southern side of the building as part of the change of use.

Site Description

The application site comprises land north of The Hollies, Pilmore Lane, Spalding. The site features 3 agricultural buildings, one of which is proposed for conversion. The site is located to the east of Spalding, approximately 230m to the east of the A16. The site is outside any defined settlement limits and is therefore within the countryside in planning policy terms. There are mostly agricultural fields around the site, however, there are 2 dwellings to the north of the site, and 1 dwelling (The Hollies) to the south of the site.

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Planning History

H16-0836-24: (Prior Approval) Change of use of agricultural buildings to 5 dwellings - approved 27 November 2024

H16-0987-25: (Full Application) Change of Use of agricultural building to form 1 no. dwelling, demolition of remaining agricultural buildings & erection of 4 no new build dwellings & garages - withdrawn 08 December 2025

Consultation Responses

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

Lincolnshire Wildlife Trust:

No substantive comments or recommendations on the proposal.

Lincolnshire County Council - Highways and SUDS:

The vehicular access meets the visibility guidelines set out in Manual for Streets. The car parking provided is in line with the guidance set out in Lincolnshire County Councils Design Approach and turning space has been provided within the limits of the site to allow vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety. Planning conditions are recommended to secure further details of the site access and a construction management plan.

Environmental Protection:

A Construction Environmental Protection Management plan should be provided detailing working hours and dust management. This should make reference to the IAQM guidance on assessment of dust from demolition and construction January 2024.

Environmental Protection (Contamination):

Following review of the screening assessment form with accompanying photographs dated: 20/07/2026 I request a standard land contamination condition applying at this location.

Ecology Officer:

Having reviewed this application, I believe that this application will require a Preliminary Ecological Assessment with a protected species survey (primarily Barn owl and Bat) to be provided pre-determination. The results from this PEA may reveal the need for more detailed species surveys.

We request that a total of 5 integrated universal nest bricks and 2 integrated bat boxes are included with the development.

Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 91.17% in Habitat units. We shall require a biodiversity gain plan to be provided pre-commencement.

Lincolnshire County Council - Historic Environment Officer:

The applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207). The Hollies, Spalding is a non-designated heritage asset included within the HER (Historic Environment record): Building record ML122754 - The Hollies, Spalding. Partially extant 19th century farmstead. Regular courtyard with L-plan range plus detached buildings to the third side of the yard. The farmhouse is attached to a range of working buildings. There has been significant loss (greater than 50%) of traditional buildings. Isolated location. Large modern sheds are located on the site. This is confirmed by satellite image, the OS Historic Map 1892-1914 and it was identified by English Heritage during their Greater Lincolnshire Farmstead Assessment Framework, English Heritage / Historic England, 2015, Greater Lincolnshire Farmsteads Project, 8170 (Digital Archive). Traditional farm buildings such as this are increasingly becoming redundant in a rapidly changing industry. They play an integral part in giving the landscape of South Holland its sense of place and character, and preserve evidence for the history and development of the area's agricultural industry and fenland social history. These vernacular buildings are now increasingly under threat from conversion or demolition and are a diminishing resource in our countryside.

I recommend that if permission is granted, there be a condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of recording including, but not limited to, a level 3 historic building recording of the agricultural building. This should be secured by South Holland District Council's standard condition AR04.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration. I am pleased to see that the applicant intends to utilise water butts in addition to soakaways designed in accordance with BRE Digest 365. However, I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is

considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the site entrance. In addition, I note the presence of riparian watercourses adjacent to the blue line boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourses, or if works are proposed to alter the watercourses 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

Lincolnshire Bat Group: No response received.

Cllr R A Gibson: No response received.

Cllr G P Scalese: 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, no representations have been received from members of the public.

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 Residential Amenity;
- Highway Safety and Parking;
- Flood Risk and Drainage;
- Impact on Heritage Assets;

- Contamination; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Location Outside a Defined Settlement

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 outside any defined settlement boundary and the nearest settlement to the site is Spalding, for which the settlement boundary is approximately 550m to the west of the site. There are agricultural fields, the A16 and Coronation Channel located between the site and Spalding. Therefore, the site is within the countryside in planning policy terms.

Part D of Policy 1 sets out that within the countryside, development will be permitted that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

It has not been demonstrated that residential development is necessary in this location; for example, in conjunction with agriculture or other rural based business. Furthermore, the site is physically divorced from larger service settlements. In the absence of footways and given the distances involved, it would be difficult to access these settlements for the day to day needs of the occupants without use of a private car. Consequently, the proposal does not accord with Policy 1 and would not normally be considered a suitable site for new housing.

Given the proposal out of settlement location, Policy S5 of the NPPF (Principle of development outside settlements) is considered to be relevant. Policy S5 sets out that only certain forms of development should be approved outside settlements (parts a to j). The policy sets out that these forms of development "should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects".

During the determination of the application, a revised 5 Year Housing Land Assessment has been published (as of 31 March 2026). According to this assessment, South Holland can only currently demonstrate a supply of 4.6 years. As such, of relevance in this case is part j which allows for the following:

"Development which would address an evidenced unmet need (including, but no limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year housing supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

i. Be physically well-related to an existing settlement²⁸ (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or

ii. Comprise major development for freight and logistics purposes which accords with policy E3."

Whilst the development would make a contribution to the area's housing land supply, it is not considered that the site is physically well-related to an existing settlement given the aforementioned distances between the site and the nearest settlement of Spalding. As such, it is not considered that

the proposal would accord with Policy S5.

Furthermore, whilst positive weight is attributed to the provision of housing, particularly given the Councils recent position on housing supply, the Class Q fallback scheme allows for the provision of 5 dwellings and the current proposal also allows for 5 dwellings. As such, under either scenario the site could contribute the same number of dwellings towards the areas supply.

As such, when viewed in isolation, the proposal is not considered to accord with Policy 1 of the SELLP or Policy S5 of the NPPF.

Whether the Proposal Represents a Betterment over the Class Q Fallback Scheme

The application is accompanied by a covering letter, within which reference is made to a prior approval consent that was permitted on 27 November 2024 using Class Q permitted development rights (H16-0836-24). This consent related to the buildings within the site, two of which are proposed to be demolished under the current proposals. The approval also allowed for the conversion of the remaining southern building into a dwelling, and this remains similar to the current proposal. According to the statement the "proposal represents a significant betterment over the Class Q approval and one which will improve the character of the area".

Caselaw has demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fallback were set out in *R v Secretary of State for the Environment and Havering BC* (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test:

"First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use."

The notion of the Class Q fallback position was also comprehensively dealt with at the landmark Court of Appeal case, *Mansell vs Tonbridge and Malling Borough Council* (2017). This case established that that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority. Therefore, where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could be allowed to proceed.

The local planning authority considers that there is a realistic prospect that the Class Q conversion could take place. Consent has recently been granted, and the developer has three years to complete the development. Therefore, it is necessary to consider if the current proposals offer either an enhancement to the setting or a reduction in density when compared to the fallback position. This is discussed within the remainder of this assessment.

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.

One of the considerations for betterment is whether the new proposal would enhance the setting of

the area. In this case, the site is mostly surrounded by flat and open agricultural land; however, there are 2 dwellings located to the north of the site and there is a dwelling located to the south-west of the site. Overall, the site is set within a countryside setting.

The proposal would result in the demolition of two of the existing barns within the site, and their replacement with 4 semi-detached dwellings. The proposed dwellings would be positioned within the footprints of the existing barns within the site.

Plots 1 and 2 are proposed to be semi-detached single storey dwellings and plots 3 and 4 are proposed to be semi-detached two storey dwellings. Gardens are proposed to the east of plots 1 to 4 and a driveway and parking spaces are proposed further to the east of the gardens.

All of the dwellings are proposed to be positioned on raised plinths, and it is assumed that this to incorporate flood risk mitigation.

The approved Class Q conversion proposed to retain the form, siting and general appearance of the buildings within the site, all of which has been informed by the open countryside context of the site. However, the existing barns feature a utilitarian appearance, and it is not considered that the buildings contain any features of architectural merit.

The Class Q scheme included the installation of cladding on the buildings and the insertion of various windows and doors. Whilst the Class Q scheme was considered to be acceptable in terms of its visual impact, it is recognised that there is potentially scope to include a proposal within the site with an improved design.

The overall scale and siting of plots 1 to 4 would be similar to the Class Q fallback scheme. For example, the Class Q building conversion for plots 1 and 2 measured 24m in length and 10m in width. The building featured a gable end roof form measuring 6m up to ridgeline and 3.4m in height up to its eaves. Under the current proposals, the building for plots 1 and 2 would measure 24.5m in length and 10.4m in width. The building for plots 1 and 2 would also feature a gable end roof form that would measure 6m in height up to its ridgeline and 3.3m up to its eaves. This is comparable to the fallback scheme.

Similarly, the Class Q fallback building conversion for plots 3 and 4 measured 19m in length and 12m in width. The building featured a gable end roof form measuring 6.9m up to its ridgeline and 4.5m up to its eaves. Under the current proposal, the building for plots 3 and 4 would measure 18.5m by 10m. The building for plots 3 and 4 would also feature a gable end roof form that measures 8m in height up to its ridgeline and 4m up to its eaves. This is comparable to the fallback scheme.

Therefore, the overall scale and siting of the buildings would be similar compared to the fallback scheme. Whilst the proposed building for plots 3 and 4 would be slightly taller than the Class Q conversion scheme, it is considered that the increase is relatively minor and overall the proposed design represents an improvement over the Class Q conversion. For example, it is considered that the proposed dwellings would feature more attractive facades that incorporate traditional design features that respond positively to the site context. Such features include the proposed timber framed porches, catslide dormer windows, chimneys and cambered brick arches which all add positively to the design. Therefore, the general appearance of the proposed dwellings would represent an improvement over the Class Q conversion buildings which were proposed to retain a relatively utilitarian in appearance.

Plots 1 and 2 have been rotated slightly to the north-west compared to the Class Q conversion scheme. It is considered that this improves the relationship between the northern dwellings and the two southern dwellings by angling the rear elevation away from the southernmost building and the associated amenity space to the south.

Although the specific external materials are not yet confirmed, the plans show red brickwork and clay pantiles for roofs of the dwellings. It is considered that such materials would be appropriate for the area; however, further details would need to be secured via a planning condition.

It is considered that the proposed gardens would be proportionate to the dwellings. For example, the gardens are only slightly larger than the gardens that would have been permitted under the Class Q conversion scheme.

The proposed red line boundary would be larger than the Class Q boundary, extending further to the east. Therefore, the proposals would result in a further encroachment into the open countryside than would have been permitted under the Class Q scheme. Notwithstanding this, the site boundary would follow the existing boundary that is formed by the end of the garden of the dwelling that is located to the north of the site (Westbourne). No buildings are proposed within the extended part of the site along the eastern edge of the site. Instead, there is only an area for the private driveway, parking and landscaping. Notwithstanding this, it would be considered appropriate to limit permitted development rights within the site if permission is granted. As such, the extension of the site to the east into the countryside would be acceptable when taking these factors into account.

The proposals for the most southern building (plot 5) within the site remain largely unchanged from the Class Q approval (H16-0836-24). For example, the external alterations would be similar, including a proposed extension at the rear of the building. The proposed external materials would also remain unchanged as the proposal seeks to retain and repair the existing slate roof and external brickwork. Therefore, the visual impact of the proposed change of use for dwelling 5 is acceptable due to the similarities with the Class Q fallback scheme.

As the proposal seeks to convert the existing building within plot 5 to residential use, Policy 23 of the Local Plan (The Reuse of Buildings in the Countryside for Residential Use) is also relevant. Overall, it is considered that the proposals accord with 5 criteria of Policy 23 as follows:

- 1) The building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding.
- 2) The building is of historic merit given that it is identified as a non-designated heritage asset to justify its conversion and retention.
- 3) The proposal is in keeping with its surroundings.
- 4) The design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction.
- 5) The development leads to an enhancement of the immediate setting of the building.

As with plots 1 to 4, the proposal for plot 5 includes a larger garden than would have been permitted under the Class Q fallback scheme. It is considered that the larger garden area would be proportionate to the dwelling and a hedgerow is proposed along the southern and eastern boundaries which would help soften views of the site. There are also no public viewpoints of the site from the south as there are no nearby public rights of way or public roads and there are multiple tree belts located to the south which screens views of the site. Therefore, as with plots 1 to 4, it is considered that the proposed garden area is acceptable on balance in this case.

Overall, it is considered that the proposal represents a betterment over the previously approved scheme for the site. As such, the proposed development would have an acceptable impact on the character and appearance of the area, in accordance with Policies 2 and 3 of the Local Plan, and Section 14 of the NPPF.

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.

The proposed dwellings would be provided with sufficient internal and external living space and the dwellings would not overlook one another to an unacceptable degree. For example, relatively few windows and doors are proposed on the side elevations of the dwellings. Where openings are proposed, there would be sufficient screening in the form of the proposed wall boundary treatments at the rear of the site.

The proposed dwellings would also not result in an unacceptable degree of overlooking or overshadowing of the nearest dwellings to the north and south of the site due to the separation distances between the properties.

Therefore, the proposed development would result in an acceptable impact on the residential amenity of neighbouring dwellings and future occupants. As such, in residential amenity terms, the proposal is considered to accord with the provisions of Policies 2 and 3 of the Local Plan and Section 17 of the NPPF.

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 sets out 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

It is considered that there is sufficient room for parking and turning within the site. Lincolnshire County Council's (LCC) highways team have not raised any objections to the proposals; however, the team have recommended planning conditions to secure further details of the site access and a construction management plan.

As such, it is considered that the proposal would be acceptable in terms of highway safety, in accordance with Policies 2, 3 and 36 of the Local Plan, and Section 15 of the NPPF.

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 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

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

Whilst a district-wide search would typically be required as the proposal is located within the countryside, it is recognised that there is fallback position in this case that would allow for the creation of five dwellings within the site if the prior approval consent was implemented and completed. As such, it is considered that the sequential test is passed in this instance.

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, according to the application form, the proposed means of surface water drainage is via a soakaway which is a sustainable drainage system. Further details of the proposed drainage strategy could be secured via a condition to ensure that a soakaway or soakaways are feasible. As such, this represents a benefit that helps to outweigh the flood risk in accordance with part i.

In terms of part ii, the submitted FRA sets out recommended flood risk mitigation for the proposed dwelling. This mitigation includes the recommendation that the finished floor levels of the dwellings should be raised to a minimum of 4.09m ODN. The site levels vary from a low of 3.15mODN to a high of 3.80mODN, with Pilmore lane at the site entrance at 3.30mODN. Whilst the site levels are not indicated within the submitted site layout plan nor on the elevation plans, it is considered that this mitigation could be secured by conditions. It is also considered that the proposed level of mitigation is appropriate in this case based on the recommendations of the South East Lincolnshire Strategic Flood Risk Assessment (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 include flood risk elsewhere.

Therefore, it is considered that the exception and sequential tests are passed, and that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

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 HE4 (Securing the conservation of heritage assets) sets out that heritage assets should be conserved in a manner appropriate to their significance.

Policy HE7 (Decisions on non-designated heritage assets) sets out that where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

Policy 29 of the Local Plan sets out the following:

"Where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports)."

As set out previously, LCC's Historic Environment Team consider that the building within the site that is proposed to be converted (plot 5) is a non-designated heritage asset (NDHA). The other buildings are not considered to be NDHAs. The team have requested that a level 3 historic building recording of the building is secured via a condition. This could be secured by condition; however, it is acknowledged that the building could be converted without this requirement if the Class Q consent was implemented and completed.

Contamination

Policy 30 of the Local Plan sets out that proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon land quality and condition (part 7).

The council's environmental protection team have recommended that a standard land contamination condition is included with any decision notice. As such, it would be necessary to secure further details relating to the investigation and potential remediation of any contamination within the site.

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 (BNG) 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 current application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Biodiversity Assessment. Although the council's ecology officer requested a PEA, a PEA was initially provided; however, this was not seen by the ecology officer as the document was not published on the council's portal. Within the PEA, it is recommended that a bat survey is undertaken due to potential roosting features. Initially, the application was not accompanied by the results of a bat survey and as such, this was queried with the applicant's agent. A bat survey was subsequently submitted, within which it was concluded that the buildings within the site are not used for roosting by bats and no bats were witnessed emerging from the buildings. Therefore, no further survey work is recommended; however, precautionary measures are recommended and these could be secured via a planning condition.

The council's ecology officer has requested 5 integrated universal nest bricks and 2 integrated bat boxes within the development. The submitted PEA also recommends a pole mounted nest box for barn owls on the eastern boundary. These measures could be secured via a planning condition.

The submitted information sets out that the proposal could deliver a net gain of 91.17% habitat units on site. The LPA's ecology officer agrees with the accuracy of the BNG calculations and BNG could be secured via a planning condition.

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.

Although the proposal for Plots 1 to 4 conflicts with Policy 1, it is considered that the proposed development would represent a betterment in comparison with the Class Q approval. As such, it is considered that the benefits of the proposal outweigh the conflict with Policy 1 in this instance. The proposed conversion of the building referred to as plot 5 is also considered to be acceptable in principle as this part of the proposals accords with Policy 23 of the Local Plan. The proposed development is also considered to be acceptable in terms of other relevant considerations such as highway safety, flood risk and ecology. As such, the planning balance is in favour of the proposals.

overall in this case.

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 the above considerations into account, the proposal is considered to accord with Policies 2, 3, 4, 10, 11, 17, 23, 28, 29, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. 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.

Recommendation

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