DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0820-26**	**Applicant:**	**White House Chambers Management Co Ltd.**
Proposal:	Residential Development - Single Dwelling with Double Garage		
Location:	Land At Chambers Court Spalding		
Terminal Date:	23rd October 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework August 2026

Section 4 - Achieving sustainable development
Section 14 - Achieving well-designed places
Section 15 - Promoting sustainable transport
Section 17 - Pollution, public protection and security
Section 18 - Managing flood risk and coastal change
Section 20 - 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 CIVIC SOCIETY	0	1	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

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

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for the erection of a two-storey dwelling and detached double garage, at Chambers Court, Spalding.

The dwelling would measure approximately 7.87m (depth) by 11.8m (width), giving a total footprint of approximately 93sqm. It would have an eaves height of approximately 5.1m from existing ground level, with a ridge height of 8.3m.

The garage, situated to the south of the dwelling, would measure approximately 6.405m by 6.74m. It would feature an apex roof, set at approximately 2.4m to the eaves and 5m to the ridge. PV panels are proposed on the roof.

It is proposed that both buildings would be constructed of Ibstock Cavendish Stock facing brick, with Sandtoft Danum TLE dark grey tiles. Windows would be off white UPVC. A 1.8m timber fence would run along the western boundary, while a 0.9m post and rail fence is proposed along the northern boundary.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located towards the centre of the settlement. It lies approximately 115m west of the river Welland and directly behind (to the north of) the Castle Sports Centre. 100m to the east are the Grade II listed White House Chambers and Albion House. The site is approximately 20m outside of the Conservation Area, although the part of the access would be taken from the Conservation Area.

The site is located at the end of Chambers Court, a small cul-de-sac dating from the turn of the century. It is characterised by red-brick dwellings in a traditional style. The site is currently occupied by a grassed area, which contains several trees.

Relevant History

H16-1278-98 - Full. Change of use of Albion House & White House Chambers to residential/partial demolition & erect 8 houses. Approved 27/07/99.

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:

Internal Drainage Board

As recommended in the Flood Risk Assessment prepared by S Hemmings, dated 27th August 2026, soakaways should be considered as the first approach to dealing with surface water run-off

Conservation Officer

I write to confirm that I have no objections to this proposal from a built heritage conservation perspective.
Whilst the site is situated outside of the conservation area, much of the remainder of Chambers Court is within the designated area, and therefore, it is fair to assert that the development site is within the setting of the conservation area and features within views into and out of that area. However, neither the proposed design nor the quality of the materials are out of keeping with the remainder of the modern housing development of which chambers court is comprised, and as such, I cannot suggest that the proposed development would be harmful to its immediate setting.
However, I would turn the officer's attention to the fact that whilst the quality of the proposed materials appears commensurate with the setting, I am somewhat confused by the proposal to use mock slate tiles when the remainder of the chambers court development uses what appears to be a red clay or mock clay pan tile. I would suggest that the applicant should be asked to arrange for the materials to visually match those used in the remainder of the development, otherwise, this could create an unusual visual mix where none currently exists.
It's difficult from plans to determine whether the proposed fenestration is formed of Sliding sash windows or casements, so this may need to be clarified at a later date. However, if the applicant does wish to use casements, I would also wonder if they would be open to flush fitting casements without visible trickle vents which could offer a betterment over comparable development in the immediate area

Historic Environment Officer

It is noted that the applicant has not submitted a heritage assessment in support of the proposal, which does not satisfy the requirements of paragraph HE5.
The site lies within an area of archaeological potential, as established by previous archaeological work in the area. Most recently, archaeological evaluation of the Former Castle Sports Complex in 2024 comprised 27 trial trenches and identified residual Roman material, medieval ditches, and a late medieval boundary. Earlier archaeological investigations along Albion Street also recorded undated and post-medieval features, including ditches, pits and structural remains, while evaluation at the Ivo Day Centre identified an undated linear feature and a large ditch. The proposed development comprises: 'Residential Development - Single Dwelling with Double Garage.'. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. We do not possess evidence that previous limited development activity entirely disturbed/truncated possible present heritage assets.
We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a post demolition and post site clearance phased approach of archaeological evaluation and potential subsequent mitigation work.
mitigation work. This will initially comprise but may not be limited to a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation.
This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02, 03 and 05 and is in accordance with National Planning Policy Framework Policies HE5, HE7 and HE10 and the South East Lincolnshire Local Plan (Policy 29).

Highway and Lead Local Flood Authority

The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. This is a section of private road, and the highway authority has no jurisdiction over the use of this road. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users

Environmental Protection

No comments

Ecology

Initial comments, dated 08/10/26

Ecological Considerations:
- We believe that the habitats on site have the potential to support nesting birds. It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, we request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 31st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.
- We request that site photos be provided pre-determination so we can assess the potential impact the development may have on protected species. These in particular relate to the onsite trees. If we feel that harm may come to protected species based on the development plans and pictures provided then we may request further surveys to be provided.

Further comments, dated 13/10/26

Based on the photos provided, I feel that we don't need further survey to be conducted pre-determination. Other that our previous comment regarding nesting birds, 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 (e.g. bats), with advice sought from a suitably qualified ecologist.

We request that a total of 1 integrated universal nest brick (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) in incorporated into the external fabric of the proposed building. This should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, in accordance with best-practice guidance such as British Standard BS 42021:2022.
We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) is added to the dwelling.
In both cases, the authority requires the applicant to submit sufficiently detailed maps that indicate the proposed location of bird/bat boxes on-site and the bricks must be installed during the construction phase and retained thereafter for the lifetime of the development. These are required to enhance biodiversity and to be in line with NPPF Policy N2 and Local Plan Policy 7.2.14. Planning conditions ECO 1 and TR08 should be used to secure these requests.

Spalding and District Civic Society

We support this application, but our only suggestion is that the roof tiles used should match the adjoining existing development

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, three letters of representation have been received, which can be divided into two letters of comment and one of objection.

These can be summarised as:

Comments

-limited space for vehicles along Chambers Court
-Residents currently park vehicles to front of site
-Existing road is in poor condition
-Construction traffic may damage road
-Inconvenience during build

Objection

-Cul-de-sac is already congested and suffers from a lack of parking

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

Principle of Development

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. T

Policy S3(1) of the NPPF states:
"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
b. Outside settlements, policy S5 should be applied"
As previously outlined, the site is within a defined settlement limit, and therefore, Policy S4 is relevant. 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."

Policy S4(2) outlines circumstances where the benefits of approving a development are likely to be substantially outweighed by adverse effects. This includes, but is not limited to, development on allocated land for purposes other than those allocated, the loss of cemetery land, loss of land used for flood risk management, or failure to comply with a policy which explicitly states development should be refused in specific circumstances.

Policy HO7 of the NPPF states:
"In applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence".

Therefore, substantial weight should be given in favour of the provisions of new dwellings, particularly where these homes would meet an identified need. Seeing as South Holland District Council are unable to currently demonstrate a five-year housing land supply, the weight in favour under H07 is considered to be triggered.

As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a sub-regional centre.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Policy S4 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

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

Policy Context - Character Considerations

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines 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".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

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.

Policy Context - Heritage and Conservation

The site lies within adjacent to 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.

Policy HE6 of Section 20 of the NPPF states that "When considering the potential effect of a

development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance".

The above assessment of impact should be informed by the submission of an appropriate Heritage Impact Assessment (HIA). On this point, Policy HE5(1) of the NPPF outlines that " proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance." HE5(2) outlines that this assessment should identify whether the proposal would have a positive effect, no effect or harm to the asset, and the degree of harm caused.

The aforementioned harm can be divided into harm, substantial harm, or total loss. HE6(4) outlines that in such circumstances the harm must be weighed against any public benefits of the proposal, with the extent of benefits required to outweigh harm being determined, in part, by the extent of harm.

Policy HE9(1) of the NPPF states: "Development proposals within or affecting the significance of conservation areas should:
a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and
b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development"

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 application site is located at the end of a cul-de-sac. The orientation towards the road creates a clear end point of development within the cul-de-sac. It respects the existing built form of the area, and has been designed accordingly. The proposal would adhere to the principles of the NPPF in that regard.

The brickwork proposed is broadly consistent with the area. Whilst they are not an exact match to the existing dwellings, it is close enough to as to not appear immediately out of character, whilst still being of a suitably high quality. The proposed tiles would be somewhat out of keeping with the wider estate, where pantiles are ubiquitous; however, the grey tiles proposed are reminiscent of the tiles in place at White House Chambers, which is located at the entrance to the cul-de-sac. This gives a

degree of symmetry between the beginning and end of the cul-de-sac, creating a stronger sense of place. The proposal conforms to the National Design Guide in this regard.

A point regarding window design has been raised by the Conservation Officer. The windows have been designed to match the wider estate, and therefore, they would not appear out of keeping here.

The dwelling's measurements are broadly consistent with those of the existing dwellings. The height, even with the raise of 300mm in finished floor level proposed, would be consistent with the heights shown within approval H16-1278-98 (where average ridge height is approximately 8.2m). Likewise, the width and depth of the property are broadly consistent. This gives a regularity of built form, thereby conforming to DP3 of the NPPF.

The raise in finished floor level is noted; however, it would appear that the other dwellings within the cul-de-sac have also been raised. There is a slight slope towards the front door, and a step down at the rear. The raise of finished floor level here would therefore not be visually incongruous.

The garage would be consistent, in terms of proportions, design and placement, with existing features of the cul-de-sac. It is in effect a continuation of the design of the immediate area.

The loss of green space is unfortunate. However, it should be noted that this green space is not designated as "local green space" in the SELLP. Moreover, during the Officer's site visit, it appeared fenced off and underutilised as public space. As a result, the actual contribution which this space makes to the character of the area is limited.

Due to the wider acceptability of the design, and its sensitive integration with the character of the area, there would be no adverse impact upon the setting of the listed buildings or the conversation area.

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 3, and 29 of the SELLP and Section 14 and 20 of the NPPF.

Impacts Upon Resident Amenity

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

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 ".

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.

Views to the south and west would be principally of the Castle Sports Centre, meaning that they would not be overly intrusive or detrimental to amenity. To the east, views would be of the frontages of the dwellings, thereby preventing a harmful effect and contributing to passive observation of the cul-de-sac. Views to the north would be of the green space, which is publicly visible regardless.

Any shadow cast would fall onto public space, thereby preventing a harmful amenity impact.

Impact upon amenity during the construction phase could be manged through a construction management plan. One has been provided by the Applicant, and a condition requiring development in accordance with these details is recommended.

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 Sections 14 and 17 of the NPPF and Policies 2 and 3 of the Local Plan in

terms of impact upon residential amenity.

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, 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."

Policy TR3 of the NPPF outlines that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. The policy outlines a series of principles to achieve these aims, with the expectation that all proposals should, so far is relevant, conform to them. Policy TR3(2) is explicit that "The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development."

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. Adequate off-street parking has been provided.

The existing access to the cul-de-sac is capable of accommodating the increase in vehicular movements. In any event, the increased movements from a single dwellinghouse would be negligible.

Whilst it is acknowledged that Chambers Court is not a wide road, it does appear wide enough for two vehicles to pass. The existing width of approximately 4.5m aligns with Lincolnshire County Council's "better streets for Lincolnshire" guidance for a two-way residential street. There is good visibility along the road and several places to pass if required. To mitigate impacts via construction, a construction management plan is recommended.

Parking has been raised as a point of concern within several resident comments. The proposal would provide parking space in line with Appendix 6 of the SELLP. In the wider estate, each property has a single garage and a space to the front of that garage to park. These provisions are also in line with the SELLP, and the addition of a new dwelling would not affect these provisions. In any event, the proposal would not worsen the parking situation in the wider estate, particularly given the extent of off-street parking proposed here.

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 15 of the NPPF.

Flooding Considerations

Section 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

Policy F5(1) outlines that:
"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than

the anticipated catchment of the development in terms of its likely occupiers or users."

Paragraph 3 expands on this, stating 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."

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.

As explicitly stated within Policy F5(3), the SFRA should be used in conjunction within the Environment Agency's maps to assess the sequential test. Within the SFRA the site is within several hazard zones, going from no hazard to danger for some. Hazard depths mirror the changes in hazard zones, going from 0m to 0.5m. The dwelling is primarily within the "no hazard" portion of the site, although its rear would be within the 0.25m area.

Policy F5(1) of the NPPF states "the area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users." This is also discussed within the PPG which states, in Paragraph 27a: "for a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located". Therefore, it is considered that the appropriate search area is Spalding.

A comprehensive search for alternative sites has not been provided. Whilst the vast majority of Spalding is within Flood Zone 3, there are large sections which are outside of any designated hazard zone in the SFRA. The absence of a sequential test completed by the Applicant means that it cannot be demonstrated that no reasonably available sites exist at a lower risk of flooding within the settlement. It should be noted that the land to the immediate north of the site, which is within the same ownership, is outside of any identified hazard area (although this site would not necessarily be preferable from a wider planning perspective as it would have a greater amenity impact upon the neighbouring properties). That being said, there are sites within Spalding which are at a far higher risk of flooding. Given the constraints of the development, and the settlement, whilst it has not been demonstrated that the site is sequentially preferable per-se, the positioning is not overly problematic either.

No argument has been put forward as to why the proposal must be on this site, particularly given the availability of land in the same ownership at a lower risk of flooding to the immediate north. On that basis, the proposal fails the sequential test.

Policy F6 of the NPPF states:
"In areas falling within flood zones 2, 3a, or 3b (as defined in Annex F, table 1):
a. Development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, table 3; and
b. In certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential test in policy F5 where applicable, development will only be appropriate where an 'exception test' is satisfied"

Annex F, table 2 of the NPPF defines the proposed use as more vulnerable. As such, the proposal is not considered to be incompatible with the flood risk, as outlined in Annex F; however, it is considered necessary to apply the exceptions test.

Policy F6(1)(b) states:
"The exception test involves demonstrating that the development would meet all the following criteria:
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."

Assessing the proposal against these criteria, the following is considered

The contribution of a single dwellinghouse would provide minor benefits, through construction and occupation. It would also contribute to the housing supply of the District. Notwithstanding the above sequential test, the actual flood risk on the site is reasonably low, and could be easily mitigated against. On that basis, criterion i is passed.

It is proposed that the development would be raised by 300mm. This would be above flood depths. The requirements of criterion ii have been met.

The proposal would not increase the risk of flooding elsewhere. The site and surrounding dwellings are not at risk of surface water flooding within the EA maps. The risk of flooding within this area is fluvial, meaning that a marginal increase in sealed surface would not result in an increase in the likelihood of flooding. In any event, the risks here could be mitigated through a drainage strategy.

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 area is less than 0.2ha, and therefore the proposal is exempt from the standard BNG 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.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Policy S4 of the NPPF is clear that proposals within settlement boundaries should only be refused

where harm would be substantially greater than the benefits. It is not considered that the harm identified here substantially outweighs the benefits.

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, 29, 33 and 36 of the SELLP, as well as Sections 4, 14, 15, 17, and 20 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.