DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1057-25**	**Applicant:**	**Edward Clark Developments Ltd**
Proposal:	Demolition of existing buildings and erection of 6 dwellings, gardens and car parking		
Location:	Store & Premises 86 Winsover Road Spalding		
Terminal Date:	1st April 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	1	0	0	3
RESIDENTS	2	0	0	5

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the demolition of existing buildings within the site and the erection of 6 dwellings, including gardens and areas for car parking. The proposal is for 2-storey dwellings and the vehicular access is proposed along the western side of the side.

Site Description

The application site comprises land at 86 Winsover Road The existing buildings are located along the eastern edge of the site, including a retail unit near the site frontage. The rest of the site mostly features concrete hardstanding.

The site is outside within the settlement of Spalding, 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

H16-0245-92: (Full Application) Proposed new conservatory incorporating recent extensions to domestic garage - approved 16 April 1992

H16-0251-96: (Outline) Residential development - refused 02 September 1996 - allowed on appeal 11 June 1997

H16-1264-98: (Full Application) Change of use to motor factors - approved 15 February 1999

H16-0257-00: (Permission Renewal) Residential Development (Renewal of H16/0251/96 outline permission) - approved 10 May 2000

H16-0258-03: (Full Application) Change of use to include the display and sale of motor vehicles - approved 01 July 2003

H16-0638-04: (Full Application) Change of use from florist shop to dental laboratory - approved 07 September 2004

H16-1444-04: (Discharge of Conditions) Layout of staff and visitors car parking (Condition 2 of application H16/0638/04) - approved 15 November 2004

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.

Welland and Deepings Internal Drainage Board: No comments.

Environmental Protection (Contaminated Land): I request a standard land contamination condition be applied at this location.

Environmental Protection: No comments.

Anglian Water:

Section 1 (Assets Affected): There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask for an informative to be included related to assets.

Section 2 (Wastewater Treatment): This site is within the catchment of Spalding Water Recycling Centre (WRC), which currently can accommodate the additional flows generated by the proposed development. Spalding WRC is included within our Business Plan as a named growth scheme with investment delivery planned between 2025-2030. To ensure there is no pollution or deterioration in the receiving watercourse due to the additional foul flows that would arise from the development, we recommend a planning condition is applied if permission is granted. Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site. This condition shall cease to have effect if the development is first occupied after April 2030.

Section 3 (Used Water Network): The sewerage network at present has available capacity for the anticipated foul flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. Informatives are recommended.

Section 4 (Surface Water Disposal): The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Anglian Water object to this application due to a lack of evidence confirming that the surface water hierarchy has been fully explored. If the applicant believes the surface water hierarchy has been fully explored, they will need to provide evidence that all other options have been exhausted and discounted in line with the Surface Water Hierarchy and with consultation with the LLFA in order to overcome our objection. Any surface water connection into the Anglian Water network is subject to capacity checks and sufficient evidence to demonstrate that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. Additionally, notwithstanding the need for the hierarchy to be fully explored, it should be advised to the applicant that surface water sewers exist within the vicinity of the proposed development, as opposed to a connection the existing designated foul sewer.

Lincolnshire County Council - Highways and SUDS:

First Response (19 November 2025): Having reviewed the proposed site layout drawing number: 265-01 dated October 2025, the Highway Authority are of concern with the parking arrangements for plot 6. Vehicles accessing the development site from Winsover Road will conflict with vehicles leaving the site as they are going to be on the opposite side to where should normally be. Additionally, those that are leaving the parking spaces will automatically reverse on to Winsover Road rather than exiting in a forward gear and therefore, being detrimental to highway safety. We would ask the applicant to make further consideration of relocating the parking spaces for plot 6

adjacent to the parking spaces for plots 4 and 5 and relocate the bin storage area closer to the near side kerb of the highway for refuse collection, as refuse vehicles will not enter a private drive.

Second Response (23 February 2026): No objections to the amended layout.

Ecology Officer:

First Response (10 November 2025): We believe this application will require a Preliminary Roost Assessment with a protected species survey to be provided pre-determination. The results from this PRA may reveal the need for more detailed species surveys.

Second Response (23 February 2026): Based on the submitted preliminary bat roost assessment, we will require no further surveys for this application.

Lincolnshire County Council - Historic Environment:

First Response (25 November 2025): Thank you for consulting us on this application. The site lies within an area of very high Roman archaeological potential, confirmed by previous work at Wygate Park and Ivanda Nursery. Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed development. Therefore, I recommend the applicant to provide the results of a DBA Desk based Assessment. This is in line with the guidance set out in the NPPF 2024 (paragraphs 207 & 218). The applicant has not adequately described the significance of any below-ground heritage assets that may be affected by the proposed development, and it is not "sufficient to understand the potential impact of the proposal on their significance (the heritage assets')" (Paragraph 207 of the National Planning Policy Framework (NPPF)).

Second Response (04 March 2026): The applicant has submitted an assessment of the archaeological and heritage potential of the site, in accordance with paragraph 207 of the NPPF. The Desk-Based Assessment (DBA) has established the archaeological potential of the site and has appropriately identified the potential impacts arising from the proposed development. The proposed development groundworks and any temporary works associated with the development (including landscaping, utilities/drainage connections and BNG planting) will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). There is archaeological potential, and we do not possess evidence that previous limited development activity truncated possible present heritage assets. We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to a post demolition 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. This is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

Cllr M Hasan: No response received.

Cllr J A Le Sage: 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, 7 representations have been received from members of the public. The following key matters are raised within the responses:

- Will the development be fenced all around?
- Will the development join up with Thistle Gardens?
- The number of windows that overlook neighbouring properties should be minimised.
- The proposal will cause disruption when work commences.

- The proposal could cause construction disruption such as dust, mess and debris.
- If a pavement is part of the plan this will run alongside a neighbouring property and anyone walking by would be able to see into the property.
- The noise and pollution of 13+ cars entering and exiting next to a neighbouring property will cause disturbance, for example there will be headlights shining into neighbouring properties.
- There might be potential damage to a neighbouring property.
- The developer should erect a 6-foot high wall along the site boundary to reduce the headlight glare, noise and damage to a neighbouring property.
- The proposal would lead to a reduction in privacy and negatively impact living conditions of neighbouring properties.
- The proposals could result in overshadowing and a loss of light.
- Pedals objects to the application as there are no facilities for residents to store bicycles.
- The design does not seek to erect any dwellings on the western part of the site, where the access road is proposed. The access road is wider than required and the the design could have been improved if the western part of the site was included more effectively.
- The proposal will devalue neighbouring properties.*

*It should be noted that the devaluation of a property is not a material planning consideration.

Procedural Matters

The application site is owned by two landowners. The LPA was notified by a party on behalf of the landowner on 20 November 2025 that notice had not been served on one of the landowners. This was queried with the applicant's agent on 20 November and the agent confirmed that notice had not been served. This was a serious error as the application form set out that the landowner had been served notice on 29 October 2025.

Notwithstanding the seriousness of this error, the applicants were given the opportunity to rectify this, and notice was served on 26 November and evidence of a recorded delivery was provided to demonstrate this. Furthermore, it is noted that the landowner was aware of the application as they had provided a public representation on 19 November 2025.

As such, it is considered that the landowners have been served notice and have been given the opportunity to respond to the proposals.

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, December 2024 (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 and Visual Impact;
-Impact on Amenity;
-Impact on Archaeological Assets;
-Highway Safety and Parking;
-Flood Risk and Drainage;
-Ecology and Biodiversity Net Gain; and
-Contamination.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Spalding, which is one of the most sustainable locations for development within the district. As such, the principle of residential development within this location is generally considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

Whilst the majority of the plots would be back land development, this would not be overtly out of character when compared to the surrounding area as multiple dwellings appear to be located behind a forward build line.

Notwithstanding this, consideration of the existing commercial premises towards the front of the site needs to be taken into account. Policy 7 is considered to be relevant and sets out the following in terms of considering proposals for the loss of employment sites and buildings to non-employment uses:

"Conversion and redevelopment of, or change of use from, existing non allocated employment sites to non-employment uses will be considered on their merits taking account of:
1. whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area the site or building would likely serve;
2. whether it is demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes; and
3. whether the applicant has provided clear documentary evidence that the property and/or land has been appropriately but proportionately marketed without a successful conclusion for a period of not less than 12 months on terms that reflect the lawful use and condition of the premises."

It is unclear how many people could be employed within the site or how many employees have been within the site when the site has previously been occupied. The building within the site is relatively small and it is unlikely that any business would contain significant numbers of employees. Furthermore, it is not considered that the loss of the retail unit would adversely affect the economic growth and employment opportunities in the area. As such, it is considered that the proposal accords with part 1 of Policy 7.

Initially, the application was accompanied by a letter from one of the landowners setting out that there have been 3 tenants within the unit over the past 7 years, all of which have "struggle to make their businesses pay". Whilst this letter suggested that the site is not economically viable, limited evidence was provided to support this and no evidence of how the property has been marketed has been provided, nor was a planning or design statement submitted with the application.

The lack of supporting evidence was discussed with the applicant's agent and additional information was provided in the form of a letter from Longstaff, a chartered surveyors and letting agent who has acted to let the site. According to this information, the site has been vacant since early 2023 and prior to this, the site was vacant for 6 months in 2022. The letter from Longstaff also set out how there are various factors that have made the property unattractive to tenants over the years such as the lack of insulation within the building which leads to high heating costs, the lack of a toilet facility on site, the limited footfall the site experiences. These factors are acknowledged, and it is recognised that the retail unit is not located within a retail area as there is mostly residential development around the site. It is considered that the site is unlikely to be a viable or appropriate employment location, in accordance with part 2 of Policy 7. In terms of part 3, information has not

been provided showing that the site has been marketed without a successful conclusion for 12 months. Notwithstanding this, the site has been vacant since 2023 and due to the constraints of the building and the site's location outside of a retail area, the site is considered to be restrained in terms of its potential to function as a retail unit that can generate and sustain employment. Policy 7 seeks to avoid the loss of employment uses where such losses would "adversely affect the economic growth and employment opportunities in the area". In this case, the loss of the retail unit is not likely to adversely affect the area.

It is also noted that Policies 24 and 25 of the Local Plan seek to direct retail uses towards town centres, including Spalding town centre. The site in this instance is located outside of the town centre. Whilst there are some shops located sporadically along Winsover Road, the Local Plan aims to encourage retail uses within Spalding town centre. Therefore, the loss of the retail unit would not conflict with Policies 24 and 25 and would, in fact, support the aims of these policies.

Furthermore, Paragraph 125 of the NPPF is a material consideration and this sets out planning decisions should:

"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;"

As such, substantial weight needs to be given to the re-use of the site in this instance given that the land comprises previously developed land. Whilst the loss of some employment space would cause a degree of harm, it is not considered that this would comprise substantial harm. Therefore, it is considered that the proposed change of use of the site to residential use accords with the aims of Policies 1 and 7 of the Local Plan. Substantial weight is given to the provision of 6 dwellings in a sustainable location, in accordance with Paragraph 125 of the NPPF. As such, the principle of development is considered to be acceptable in this instance.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

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 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The proposal seeks to demolish the existing buildings within the site which are located along the eastern edge of the site. One of these buildings is located near the site frontage, set back slightly further than No. 84 Winsover Road, which is located to the east for the site. Other properties to the east of the site are also located next to the road frontage. To the west of the site, there are mostly semi-detached dwellings set back from the road frontage by approximately 7.5m. These dwellings mostly feature gable end roof forms and frontage bay windows.

The proposed development seeks consent for 6 dwellings. All of the dwellings are proposed to feature 2-storeys and would be similar in terms of other overall appearance and scale. Plots 1 to 5 feature similar layouts. Plots 1 and 2 are proposed to be semi-detached and are located furthest to the rear of the site. Plots 3 to 5 are proposed to comprise a terrace of 3 dwellings and Plot 6 comprises the frontage dwelling (Plot 6) which is proposed to be detached. The dwelling for Plot 6 is proposed to be located near the road frontage on Winsover Road.

Plots 1 to 5 are considered to be suitable in this instance, despite them being located to the rear of the existing building. The proposed layout, including backland development is not dissimilar to dwellings in the immediate area.

Initially, Plot 6 was proposed to be located 8m from the road frontage. It was considered that this

would have contrasted with the existing building line to the east of the site and pre-application feedback was given that the dwelling should be located closer to the road frontage. This advice was reiterated to the applicant's agent during the determination of the application and an amended site layout was provided showing the dwelling for plot 6 closer to the road frontage. The revised position is considered to be acceptable.

Overall, the proposal would result in an acceptable impact on the character and appearance of the area in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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 separation distances between the dwellings within the site are considered to be suitable. For example, there would be 27m between the rear of the dwelling in Plot 6 and the rear of Plots 3, 4 and 5. The front-to-front distance between plots 3, 4 and 5, and Plots 1 and 2 is approximately 13m. This is also considered to be suitable.

It is also considered that the proposed dwellings would not unduly overlook dwellings around the site, nor would they be adversely overlooked by neighbouring dwellings. For example, mostly of the elevations of neighbouring dwellings that face towards the site are largely blank or contain windows with obscure glazing.

The proposed gardens for the dwellings are considered to be suitably sized and the plot sizes would be similar to nearby dwellings.

Initially, the proposed dwellings did not accord with the nationally described space standard (NDSS). For House Type 1, the deficiency was 16sqm and for House Type 2 the deficiency was 8sqm. Amended plans have been provided and the proposed house types now accord with the NDSS.

Therefore, the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Archaeological Assets

Paragraph 207 of the NPPF sets out that where a development has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

Policy 29(C) of the Local Plan sets out the following:

"Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed mitigation scheme for investigation submitted by the developer, undertaken by a suitably qualified person and approval by the local planning authority."

Initially, the application was not accompanied by a desk based evaluation of the archaeological potential within the site. Therefore, LCC's Historic Environment Officer objected to the application due to the lack of information that was provided. This was discussed with the applicant's agent and an archaeological assessment was subsequently provided. LCC's Historic Environment Officer has reviewed this assessment and concluded that 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. Therefore, conditions have been recommended to secure an archaeological investigation of the site and any necessary mitigation. 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.

With the inclusion of the recommended conditions, the proposal provides appropriate mitigation to ensure any archaeological remains are recorded prior to commencement of development in accordance with Policy 29 of the Local Plan and Section 16 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

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.

Initially, Lincolnshire County Council's (LCC) highways team raised some concerns with the proposed parking arrangements for Plot 6. The site layout has subsequently been updated and the parking spaces for Plot 6 have been moved to the rear of the garden for the dwelling. Based on the revised layout, LCC's highways team have no objections to the proposals.

Therefore, the proposal would be acceptable in terms of highway safety in accordance with Policies 2, 3 and 36 of the Local Plan, and Section 9 of the NPPF.

Flood Risk and Drainage

Section 14 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 some information regarding the application of the sequential and exception tests.

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

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

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the*

area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."

In this case, the submitted Flood Risk Assessment (FRA) does not contain a site search exercise and as such, the FRA is considered to be insufficiently detailed. Notwithstanding this, it is recognised that the area within and around Spalding is located within Flood Zone 3. As such, there is limited scope to enable the development of 6 dwellings within a lower risk flood zone area. The site is not within a hazard area, as identified within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). As such, the site is sequentially preferable to higher risk hazard areas. Therefore, in this instance, it is considered that the sequential test is passed.

In terms of the exception test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The 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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a hazard rating area. As such, the SFRA does not recommend any specific mitigation in this case.

According to the application form, the proposed means surface water drainage is via a sustainable drainage system. Further details of the proposed drainage strategy would need to be secured via conditions as it is unclear if a sustainable means of drainage is feasible, such as soakaways are feasible. It is also noted that Anglian Water have objected to the application due to the lack of evidence confirming that the surface water hierarchy has been fully explored. With the inclusion of a condition requiring further drainage details to be submitted, such as soakaways, it is considered that the development would accord with the requirements of Section 14 of the NPPF and Policy 4 of the Local Plan.

Anglian Water have set out that the site is within the catchment of Spalding Water Recycling Centre (WRC), which currently can accommodate the additional flows generated by the proposed development. Notwithstanding this, Anglian Water have recommended the following condition:

"Prior to occupation written confirmation from Anglian Water must be submitted confirming there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site. This condition shall cease to have effect if the development is first occupied after April 2030."

It is not considered that this condition would meet the six tests that planning conditions are required to meet, for example, being reasonable and enforceable. As such, it is not considered necessary to include this condition as there is currently sufficient capacity to accommodate the foul drainage from the site.

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.

Ecology and 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 statement which sets out that the development would be exempt from the requirement to provide BNG under the de minimis exemption. The LPA agrees with this assessment as the site comprises mostly hardstanding and as such, the proposal is not required to provide BNG.

The LPA's ecology officer requested a preliminary bat roost assessment to confirm if the site is likely to be used by bats. An assessment has subsequently been provided, concluding that the site has negligible potential for bats. As such, no further surveys have been requested and the LPA's ecology officer accepts the findings of the assessment.

Contamination

Policy 30 of the Local Plan requires proposal not to be permitted if they would result in an unacceptable adverse impact upon the health and safety of the public or on land quality.

The council's environmental protection team have requested that a standard land contamination condition is included with any decision notice for the proposal. This condition has been agreed with the applicant's agent. With the inclusion of such a condition, it is considered that any contamination risks can be suitably identified and managed in accordance with Policy 30.

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 seeks to re-use previously developed land to provide 6 dwellings within a sustainable location within Spalding. The development could result in economic, social and environmental benefits which collectively are given significant weight. As such, the proposals broadly accord with the aims of Policy 1 of the Local Plan, which seeks to direct development towards the most sustainable locations within the Local Plan area.

Whilst the proposal would result in the loss of a retail unit, the benefits of providing 6 dwellings in a sustainable location are given significant weight in favour of the proposals. There would be some conflict with Policy 7 (Part 3) as the applicant has not demonstrated evidence of how the site has been marketed for 12 months without a successful conclusion. Nonetheless, evidence has been provided to show that the site presents issues for potential tenants in accordance with Parts 1 and 2 of the policy.

The proposal would have an acceptable impact on the character and appearance of the area and on the amenity of future occupants and neighbouring properties. Furthermore, the proposal would have an acceptable impact in terms of highway safety. A suitable drainage strategy can be secured by condition and the proposal is considered to be acceptable in terms of its flood risk. Conditions are recommended to secure further details relating to an archaeological investigation of the site. Lastly, the proposal would not result in an adverse impact on any protected species.

Overall, the proposal accords with the Local Plan and the provisions of the NPPF when viewed as a

whole. 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.

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 be in accordance with Policies 1, 2, 3, 4, 7, 10, 11, 17, 24, 28, 29, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. The 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.