DECISION DELEGATED TO HEAD OF PLANNING

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|---|---|---|---|
| **Application No:** | **H17-0004-26** | **Applicant:** | **Cedar Homes Ltd** |
| **Proposal:** | Demolition of Existing Building and Erection of 2 New Dwellings | | |
| **Location:** | 1 Park Lane Surfleet Spalding | | |
| **Terminal Date:** | 8th 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 |
| 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 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

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 1 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |

| | | | | |
|---|---|---|---|---|
| PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 0 | 2 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 2 |
| RESIDENTS | 0 | 0 | 1 | 1 |

## CASE OFFICER ASSESSMENT

### Description of Proposal

This is a full planning application for the demolition of an existing building and for the erection of two new dwellings. The existing building is a two-storey, flat roof building, which contains two self-contained flats.

The proposed semi-detached dwellings would have a total width of approximately 11.5m and depth of 10.7m. To the eaves the properties measure 5.3m, rising to 9m at the apex of the roof. The dwellings would be constructed of Vandersanden Cottage Mix bricks, with grey "slate effect" concrete tiles. Cream UPVC windows are proposed.

The scheme was initially for three dwellings; however, following concerns regarding several matters, this was reduced to two plots.

### Site Description

The site is within the settlement boundaries of Surfleet, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is located approximately 35 metres south of the river Glen, on the eastern side of the B1356. The area is characterised by a mixture of use, with residential dwellings to the north, south and west, and commercial premises to the east. 50 metres to the north is the Grade II listed Mermaid Inn, and 75 metres beyond that is the Grade I listed St Laurence's Church.

The site itself is currently occupied by two flats, with associated parking to the front. The building itself is somewhat unique in the area, featuring a flat roof not replicated elsewhere. The materials currently present are red brick work and off-white render.

### Relevant History

H17-0554-02 - Full. Change of use from office to 2 flats. Refused 12/08/02.

H17-0008-04 - Full. Change of use of office building to single residential unit. Refused 20/04/04. Decision overturned on appeal.

H17-0585-23 - Full. Conversion of 2 flats into single dwelling including new roof, replacement porches, internal alterations and extended vehicular access. Approved 18/08/23.

## 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:

*Initial Consultation Responses, received between 09/01/26 and 02/02/26*

Environment Agency

"This proposal comes under cell D8 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'.
It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice.
We do not need to be consulted further on this application."

Surfleet Parish Council

Support - "no comment"

Ecologist

Ecological Considerations:

- We request that a total of 3 integrated universal nest bricks (e.g., S Brick, Swift Nesting Brick, Manthorpe, Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM) are incorporated into the external fabric of the buildings. These should be located at a height of 4+ m metres, on the north or east elevations to avoid overheating, and grouped colonially where possible, in accordance with best-practice guidance such as British Standard BS 42021:2022. The bricks must be installed during the construction phase and retained thereafter for the lifetime of the development.
- We also request that one integrated bat box (e.g., Integrated / Built-In Bat Boxes, Integrated Eco Bat Box | The Nestbox Company) are added to each dwelling. These are required to enhance biodiversity and to meet local plan strategy 7.2.14.

BNG Comments and Notes to applicant:

- 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 1379.02% in Habitat units
- We will require a biodiversity gain plan pre-commencement.

Conclusion:

There has been sufficient evidence provided to determine this application and we have confidence that 10% net gain can be achieved on site. Please get in touch if you have any further questions

Conservation Officer

I write to confirm that I have no objections to this proposed development upon built heritage conservation grounds.
Although Surfleet does not have a conservation area, the proposal site is nevertheless within the visual context of the Grade II listed Mermaid Inn. The existing structure is of an exceptionally poor quality of design that undoubtedly is a significant draw on the appearance of the immediate setting, and subsequently harmful to the wider character area around the Mermaid Inn, and the Victorian iron bridge and so whilst the setting is not within a CA, it can be said that the removal of the existing building would be a positive force upon the setting of the Listed Building and Surfleet more broadly.

The proposed replacement development appears to be of a fairly modest standard of design, looking fairly unremarkable for its type, albeit formed of a much more conventional design than the existing, resulting in a development which would appear to share much more in common with the broader development surroundings. With this in mind, I would suggest that the removal and

replacement of the existing as proposed in this case would represent a minor form of improvement to the setting of the historic environment

Historic Environment Officer

Thank you for consulting us on this.

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request

Highway and Lead Local Flood Authority

Requests additional information:
I have significant concerns with vehicles reversing onto the B1356 Surfleet Road at this location. Visibility is poor due to the presence of the bridge and the level difference from the site to the public highway. I would suggest that an alternate layout is proposed to utilise only one access from Park Lane. Existing street furniture needs to be detailed on the proposed site plan.

Environmental Protection

I request a standard land contamination condition be applied at this location.

*Further comments following revisions, received between 27/02/26 and 05/03/26*

Highway and Lead Local Flood Authority

No objections:

Demolition of existing building and erection of 2 new dwellings. Parking and turning is acceptable for the size of the dwellings proposed. Visibility has been demonstrated in accordance with Manual for Streets. The streetlight will need to be relocated at the expense of the applicant and the access should be constructed in accordance with Lincolnshire County Council specification. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 11A
Prior to first occupation on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first occupied and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

Highway Condition 13
Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 25/687/PA/004A dated 25/02/2026 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre."

Environment Agency

Thank you for re-consulting us on this application, on 26 February 2026. We have no further comments to make on the amended plans and refer you to our email dated 09 January 2026 for our position on this application.

Historic Environment Officer

Thanks for consulting us on this. We reiterate our previous comments dated 26-01-26. Also, no objection to amendment 1

*Additional Comments, received following updated BNG metric*

Ecologist

-We are still confident that this application will achieve 10% biodiversity net gain on site with a proposed gain of 1938.30% in habitat area units.
- All our previous comments regarding this application still stand

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, 3 letters of representation have been received, two of which are from the same person. All three comments were received based on the initial plans, and no further comments were received from the public following amendments.

These can be summarised as:

- Requests the installation of swift bricks
- Concerns regarding parking on the road
- Suggests installation of double yellow lines.

**Key Planning Considerations**

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

*Spatial Strategy and Housing Need*

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 Surfleet which is classed as a minor service centre within Policy

1. As such development will be permitted that supports Surfleet's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The NPPF outlines, within Paragraph 61, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.".

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area (..) and are often built-out relatively quickly"). This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

As the site is within Surfleet, development within this location is considered appropriate. The proposal would support the settlement's role as a main service centre and makes a positive contribution to local housing stocks.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 61 and 73 of the NPPF.

*Previously Developed Land*

Section 11 of the NPPF "making effective use of land" concerns the location of urban development. Paragraph 124 of Section 11 states:

"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land".

Paragraph 125(c) expands upon this stating:

"planning policies and 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".

Annex 2 of the NPPF provides a definition for brownfield land and previously developed land (which share a definition), which is as follows:

"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

On this basis, the proposal is considered to conform to the definition of previously developed land as it would involve the redevelopment of an existing area of development. As such, substantial weight is given in favour of the proposal.

*Summary*

The proposal involves the redevelopment of previously developed land, within an appropriate settlement location. On this basis, the proposal is considered to be in accordance with Policy 1 of the SELLP and Sections 5 and 11 of the NPPF.

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

*Policy Context*

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Paragraph 139 of the NPPF states: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

South Holland do not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well designed places. The NDG is supported by the National Model Design Code (NMDC), which has a greater emphasis on matters such as density and built form, and approaches assessments in a more empirical manner.

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.

*Assessment*

In assessing the proposed design, it is important to consider it in relation to the existing building on the site. The existing structure is severely at odds with the character of the area. The materials used are atypical, there are no other dwellings in the area with a flat roof, and the heavy use of hard landscaping is rare within Surfleet.  In addition to this, the general utilitarian design of the building, with its squat, angular shape is unique to the site. These factors combine to produce an unappealing building which severely damages the aesthetic quality of the area.

The proposed footprint of the dwellings is appropriate for the plot. It would not appear overdeveloped, leaving sufficient room for parking and landscaping. The usage of the plot is comparable to properties in the wider area, offering a comparable plot density.

The dwellings would be tall, far taller than many neighbouring dwellings. This perceived height would be exacerbated by the corner location and the prominence of the development. That being said, the building to the north (Bridge House) has a ridge height of approximately 8.8m. The two units have comparable features, meaning that the two could be viewed as a pair to a certain extent. This repetition of scales would help to naturalise the development to a certain extent.

The rear box dormers are not an ideal feature. They appear somewhat cumbersome and unappealing, albeit not to a considerable degree. That being said, these features would not be overly prominent, with views from the main road limited. Moreover, they are not uncommon features in the wider area, helping to naturalise the appearance to a certain extent.

The proposal provides a more conventional built form than the existing structure. It interacts positively with both frontages, creating a more active frontage than the existing arrangement. The detailing is positively, engaging with the viewer and ensuring greater visual appeal.

As previously outlined, the impacts of this development must be considered in light of what is currently present on the site. The existing block building is of far lower quality than the proposal, even with the identified faults of the proposed scheme. The existing building significantly harms the character of the area, and so in light of this, the proposal can be considered as an enhancement.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Despite the significant height of the proposal, no adverse amenity impact is anticipated. Any shadow which would be cast to the east or west would fall onto non-domestic land, creating no significant amenity harm. The shadow cast to the south would primarily fall onto the blank elevation of an existing garage. Light would not be severely restricted to the living space of 2 Surfleet Road.

The proposed windows would look towards areas visible from the public realm, including commercial land. On this basis, the proposal would not lead to overlooking.

The proposal would be adjacent to a commercial unit, potentially giving rise to a degree of disturbance. However, in light of there being no change to the quantum of dwellings on site, it is not considered that this would be a worsening of the existing situation.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

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

proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

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

Adequate parking has been provided on the site, in line with SELLP standards. Seeing as the site already contains the same quantum of use (i.e., two dwellings) the proposal is not considered to represent a significant intensification of use.

The proposed accesses are considered to provide safe and suitable access. The standards of the Manual for Streets have been met, and the Highway Authority are satisfied with the proposal.

An existing piece of street furniture would have to be relocated to enable the formation of the access.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for most, with a hazard depth of 0.5m.

The residential use of the site has already been established via the existing use. This use is for the same quantity of dwellings. On that basis, whilst there may be sites in Surfleet at a lower hazard classification, it would be inappropriate to say that the site is not sequentially acceptable. On this basis, the exceptions test must be applied.

Paragraph 178 of the NPPF states:
To pass the exception test it should be demonstrated that:
"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

Beginning with Part b, the proposal would be safe for its lifetime. It is proposed that finished floor levels would be raised above expected flood depths. The refined data shown in the submitted flood risk assessment, which should be utilised in conjunction with the broad data of the SFRA to provide a more accurate assessment of flood depths and site levels. Using this data, the average flood depths predicted in a 1 in 100 year event would be 4.78mOD. The proposed finished floor levels are 4.95mOD. As such, the proposal would be safe for its lifetime.

The proposal would not increase risk elsewhere as the entire site is already hard-standing. Moreover, the removal of self-contained ground floor accommodation can be seen as preferable from a vulnerability perspective.

Turning to benefits of the proposal, whilst the proposal would not create additional housing, it would enhance the setting of the area, albeit to a limited degree. Given the existing site conditions, the anticipated extent of flooding, and the existing building's vulnerability to flooding, it is considered that the benefits offer a small but sufficient benefit to the area. This is particularly true given the previously developed land classification, which offers substantial weight under the NPPF.

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.

It has been indicated that sufficient onsite gains can be secured to meet the requirements of the BNG condition.

Heritage and Conservation

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

The site is located a sufficient distance from any listed asset as to prevent a tangible impact on the historic environment. On that basis, the proposal would not have a significant or noticeable impact upon the historic environment. This view is broadly consistent with that of the conservation officer.

## 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.

## 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, 33 and 36 of the SELLP, as well as Sections 9, 11, 12 and 14 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.