

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H17-0980-24                      **Applicant:** Mrs J Pola

**Proposal:** Residential Development - Single Dwelling - including demolition of 'Old Chapel' 0.039Ha and change of use of part Agricultural field to Site for Biodiversity Measures. 0.045Ha

**Location:** The Old Chapel 82 Seas End Road Surfleet

**Terminal Date:** 7th March 2025

**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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

**National Guidance**

**National Planning Policy Framework December 2024**

- Section 2 - Achieving sustainable development
- 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:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
PARISH COUNCIL	0	0	0	0
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	2
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	0	0	1

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The application seeks outline planning permission, with all matters reserved, for the erection of one dwelling, located on land off Seas End Road in Surfleet, the application also proposes the demolition of Old Chapel. The application also proposes the change of use of part of an agricultural field to a site for biodiversity measures.

### **Site Description**

The application site is (The Wesleyan Methodist Chapel) is a non-designated heritage asset (NDHA) recorded in the Historic Environment Record (HER) under Building Record ML197740. The site is located to the northern side of Seas End Road in Surfleet. The site is located in between residential dwellings and a substation to the east with further residential dwellings to the west, to the north is open fields with further dwellings to the south.

### **History**

There is no relevant planning history associated with the site.

### **Consultation Responses**

#### **Initial Responses Received (Consultation period between 25th November 2024 - 16th December 2024)**

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:

#### **SHDC Environmental Protection**

No observations regarding Environmental Protection

#### **LCC Highway and Lead Local Flood Authority**

Recommendation: No objection

Outline with all matters reserved

The principle of development is acceptable. As this is an outline application with all matters

reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach.

Sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding 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. The Local Planning Authority should be made aware that part of the development is within a surface water flood risk of 1:100 and 1:1000-year events.

Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and does not wish to object to this planning application.

#### SHDC Environmental Protection Officer

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

#### LCC Historic Places

Thank you for consulting us on this application.

The proposed development will comprise: Residential Development - Single Dwelling - including demolition of 'Old Chapel' 0.039Ha and change of use of part Agricultural field to Site for Biodiversity Measures. 0.045Ha.

It is noted that the applicant has not provided an assessment of the heritage potential of the building, as outlined in the NPPF (paragraph 207). Likewise, the design and access statement accompanying the application does not identify the heritage significance of the building.

The Wesleyan Methodist Chapel is a non-designated heritage asset (NDHA) recorded in the Historic Environment Record (HER) under Building Record MLI97740 - Wesleyan Methodist Chapel, Seas End Road, Surfleet Seas End. It is depicted on the Ordnance Survey Second Edition (1888-1913) map. The current building was constructed in 1869 and ceased functioning as a chapel in 1953.

Methodist churches like this one have been central to their communities, serving as places of worship and fostering faith, fellowship, and belonging. This chapel's significance goes beyond architecture; it reflects the important role of faith in shaping the community's spiritual and social lives.

The chapel holds value locally as a former place of worship and for its broader heritage significance. It appears on historical maps, highlighting its long-standing presence. Beyond worship, churches like this were community hubs, hosting important events, making them valuable heritage assets for future generations.

#### Recommendation:

Currently there is insufficient specific information on the heritage potential for the building and the extent of impact to the building from the proposed development.

I recommend that the applicant submit the results of a Heritage Impact Assessment (HIA). This will be in accordance with Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.

This HIA will aim to determine the significance and character of any heritage assets which could be impacted by the proposed development as noted above.

This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 207 and 218.

This will also help inform an appropriate mitigation strategy for the proposed impact if necessary and should permission be subsequently granted.

Finally, considering the building significance and potential impacts to the setting, the SHDC Conservation officer must be consulted before a decision is made.

With respect to the attached historic environment recommendation, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07386 656079, email [ruben.lopez@lincolnshire.gov.uk](mailto:ruben.lopez@lincolnshire.gov.uk) to discuss the HIA requirements.

#### SHDC Conservation Officer

This application seeks consent for the demolition of a former chapel-turned agricultural building. This site is recognised under the LCC HER under reference MLI97740 as a building of historic interest. The site is therefore clearly a case of a Non-designated Heritage asset and therefore, a proposal resulting in total loss requires proper justification subject to Paragraph 216 of the NPPF(2024)

I, therefore, echo the comments of my colleague at the LCC Historic Places team in requesting that the applicant be required to provide a full Heritage Impact Assessment.

#### Welland & Deepings Internal Drainage Board

If at any point in the future soakaways are not used for either surface or treated water disposal, then I would wish to be reconsulted again at that time.

#### Senior Ecologist

I have reviewed the BNG assessment report, statutory metric, and PEA and subsequent phase 2 bat survey submitted with the above application and write to make the following comments.

The BNG report and metric calculations appear suitably detailed and rigorous such that the authority can be reasonably confident that the proposed development can achieve the mandatory 10% biodiversity net gain requirement. However, I would like to draw attention to the boundary between the vegetated garden/domestic-curtilage associated with the new dwelling and the biodiversity uplift area north-adjacent to the garden (see Drawing D2, page 17 of the Biodiversity Gain Report). I believe there must be some form of clear boundary distinguishing these two areas to clearly limit the area over which the resident's PD rights apply, because the land reserved for biodiversity measures must be strictly managed according to the provisions set out in the BNG report to secure the appropriate level of BNG uplift over the 30-year period. For example, the development plans for the application occurring next door but one (80 Seas End Road) includes a timber fence between domestic curtilage and the biodiversity enhancement area.

I'd also like to note that due to the extent of habitat creation, we will require the applicants to submit a Habitat Management and Monitoring Plan (HMMP) along with the Biodiversity Gain Plan to the authority to be improved pre-commencement.

Lastly, as described in the Phase 2 Bat Survey report, due to the presence of bats within the old chapel, the applicants will have to develop an appropriate mitigation strategy and apply for a derogation license prior to demolition works commencing. However, in addition to the recommendations included in the report, I believe it is appropriate to require additional measures in the mitigation strategy because records from the Lincolnshire Environmental Records Centre Records indicate that there have been previous influxes of large numbers of Soprano Pipistrelle bats into the immediate vicinity of the development, and therefore there is some potential that the proposed demolition could negatively impact a large number of bats beyond the extent considered in the Phase 2 report. Thus, at a minimum I would further recommend that an ecological watch be undertaken by a suitably licensed ecologist during all demolition works, and that some of the proposed new bat roosting provision be installed on-site prior to work commencing.

## Responses Received within Re-consultation (Consultation period between 10th January 2025 - 24th January 2025)

### LCC Historic Places

Thank you for consulting us on this application.

Thank you for consulting us on this application. The proposed development will comprise: Residential Development - Single Dwelling - including demolition of 'Old Chapel' 0.039Ha and change of use of part Agricultural field to Site for Biodiversity Measures. 0.045Ha.

#### Heritage Significance:

The former chapel retains a high degree of legibility in its original form and function, contributing meaningfully to the historic identity of Surfleet. Its local heritage value is particularly significant given its relationship with the earlier primitive methodist 'preaching house' at the other end of the village. The demolition of this building would result in the erosion of the area's historic environment and sense of place, which directly conflicts with the National Planning Policy Framework's (NPPF) aim of preserving buildings of local interest.

#### Policy Considerations:

Non-designated heritage asset The building is recorded on the Historic Environment Record (HER) under building number ML197740. As such, the scale of harm or loss must be carefully weighed in determining any application that directly or indirectly affects its significance (NPPF, paragraph 216 Dec 2024). The complete demolition of the chapel would constitute substantial harm, which should be avoided unless exceptional circumstances are demonstrated.

#### Sustainable Development

The NPPF emphasises the desirability of sustaining and enhancing the significance of heritage assets, including through their conversion to viable uses (NPPF, paragraphs 203 and 210 Dec 2024). The submitted application has not adequately explored the potential for converting the existing building to residential use, which would align with sustainable development principles. This is particularly relevant given the reasonable condition of the building's fabric and the embodied carbon energy it represents.

#### Planning Balance

The proposed development seeks to deliver a new family home, which is a recognised benefit. However, this must be weighed against the total loss of a historic building that contributes to the area's historic identity and sense of place. The former chapel serves as a local landmark, and its demolition would result in a net loss of heritage value for the community. Retaining and repurposing the building would provide a more balanced outcome, addressing both the heritage and development needs of the local area.

#### Recommendation:

Based on the above, we recommend refusal of the current application. Finally, considering the building significance and potential impacts to the setting, the SHDC Conservation officer must be consulted before a decision is made. With respect to the attached historic environment recommendation, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07386 656079, email [ruben.lopez@lincolnshire.gov.uk](mailto:ruben.lopez@lincolnshire.gov.uk) to discuss further details.

### Conservation Officer

The submitted heritage impact assessment is appreciated. However, upon review, it is clear that this proposal would represent total loss of a recognised Non-designated heritage asset, which is not justified by this application in a manner which I consider to be satisfactory.

It may well be possible to justify such a total loss. However, I do not feel it is an appropriate route to replace an aspect of the historic environment via an Outline application. Any proposal to demolish and replace this structure would need to be fully justified and offer sufficient detail of what exactly

would be proposed to replace it, before the LPA can make a fully informed and justified decision. To issue an outline permission on this site would be to approve the demolition of this historic building without any certain concept of the scheme to remediate the site.

Therefore, as it stands, I consider this application to conflict with para. 216 of the NPPF. It therefore, represents a form of harm to the historic environment via total loss of a Non designated heritage asset and subsequently, in agreement with my colleagues at the LCC Historic Places team, i recommend that this application be refused.

### LCC Historic Places

Thank you for consulting us on this application. Having reviewed the Addendum to Heritage Impact Assessment, we reiterate our previous comments submitted on 31-01-25.

### **Public Representation**

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

These can be summarised as follows:

- Residential amenity impact to occupiers of neighbouring dwellings.
- Potential overshadowing and shutting day light.

### **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.

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

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

### Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Minor Service Centres', development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

The application site in this instance is within Surfleet Seas End, a 'Minor Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1 of Surfleet as per Policies Map Inset Map No.23. In context of this, the broad principle of a residential dwelling within this location would be 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.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

#### Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details 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 National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Development proposals should also ensure that developments 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.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), 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.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) 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.

The National Planning Policy Framework (NPPF) (December 2024) 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.

Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great 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 harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Notwithstanding the above, the application site is a Non-Designated Heritage Asset recorded in the Historic Environment Record (HER) under Building Record MLI97740. Paragraph 216 of the National Planning Policy Framework (December 2024) relates to non-designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

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 National Planning Policy Framework (December 2024). Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The proposal is in outline form with all matters reserved and therefore, matters such as the siting, layout and scale of the proposed dwelling would be assessed under a subsequent Reserved Matters proposal.

However, the application also proposes the demolition of The Wesleyan Methodist Chapel, which is a non-designated heritage asset, recorded in the Historic Environment Record under Building Record MLI97740. As such, the scale of harm or loss must be carefully weighed. The complete demolition of the chapel would constitute substantial harm, which should be avoided unless exceptional circumstances are demonstrated, which is not justified by this application in a manner which the Local Planning Authority consider to be satisfactory.

The former chapel retains a high degree of legibility in its original form and function, contributing meaningfully to the historic identity of Surfleet. Its local heritage value is particularly significant given its relationship with the earlier primitive methodist 'preaching house' at the other end of the village. The demolition of this building would result in the erosion of the area's historic environment and sense of place, which directly conflicts with the National Planning Policy Framework's (NPPF) aim of preserving buildings of local interest.

The proposed development seeks to deliver a new family home, which is a recognised benefit. However, this must be weighed against the total loss of a historic building that contributes to the area's historic identity and sense of place. The former chapel serves as a local landmark, and its demolition would result in a net loss of heritage value for the community. Retaining and repurposing the building would provide a more balanced outcome, addressing both the heritage and development needs of the local area.

Taking the above into account, this application conflicts with para. 216 of the National Planning Policy Framework (December 2024). It, therefore, represents a form of harm to the historic environment via total loss of a non-designated heritage asset.

Taking account, the nature of the development, as detailed above, the proposal is considered to be unacceptable. As such, the loss of the non-designated heritage asset, as detailed above, would result in unacceptable harm to the character and appearance of the area. The harm caused by the proposal would not be outweighed by any overriding material considerations or public benefits and, as such, the application proposals are contrary to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019), and Section 12 and 16 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Taking into account the size of the plot satisfactory separation distances could be achieved between the existing properties and the proposed new development generally. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, and disturbance, etc. However, the proposal is in outline form and further details should be considered to conclude the extent to which the scheme would ensure good levels of amenity.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

### Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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.

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

The site is of adequate size to ensure that sufficient parking could be accommodated on site. This should be adequately addressed within the submission of Reserved Matters.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

### Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details 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 site lies within Flood Zones 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 South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site being within the Danger for Most. The application in this instance has been supported by a flood risk assessment, with mitigation being proposed including all bedrooms being at first floor level and the ground floor level of the proposed building should be raised to 4.60m OD. These mitigation measures would be subject to a condition.

In terms of surface water and foul drainage, this is yet to be confirmed and will be conditioned to confirm this at the Reserved Matters stage.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

#### 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.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is not exempt from the statutory 10% Biodiversity Net Gain requirements.

When reviewing the submitted amended BNG report and statutory metric for the application, the authority confirm that the development and habitat creation/enhancement plans as outlined can achieve the mandatory 10% biodiversity net gain requirement.

## **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 inappropriate development within the defined settlement boundary. The development hereby proposed involves the removal of a non-designated heritage asset. The complete demolition of the chapel would constitute substantial harm, therefore being contrary to the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

The proposed development seeks to deliver a new family home, which is a recognised benefit. However, this must be weighed against the total loss of a historic building that contributes to the area's historic identity and sense of place. The former chapel serves as a local landmark, and its demolition would result in a net loss of heritage value for the community and as such, the planning balance is not 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 not considered to be in accordance with policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). The are significant factors in this case that indicate against the proposal and as such, the loss of the non-designated heritage asset, as detailed above, would result in unacceptable harm to the character and appearance of the area. The harm caused by the proposal would not be outweighed by any overriding material considerations or public benefits.

### **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.