

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0896-24 **Applicant:** Mr & Mrs S Lewis

Proposal: Demolition of buildings except for one (to be reduced in length) and used for storage of equipment in connection with applicants groundworks business and erection of one self build/custom build dwelling with associated works

Location: Telephone Exchange Counter Drain Drove Tongue End

Terminal Date: 18th July 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural 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 6 - Building a strong, competitive economy
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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
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PARISH COUNCIL	0	1	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

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of one dwelling, and the demolition of two buildings within the site. One of the existing buildings within the site is proposed to be reduced in length by partially demolishing the north-eastern area of the building. This building is proposed to be retained for the storage of equipment in connection with a groundworks business.

Site Description

The site comprises land at the Telephone Exchange, Counter Drain Drove, Tongue End. The site features various buildings, some of which are proposed to be demolished as part of the proposals. There are trees which are protected by a Tree Preservation Order along the site frontage. The site is mostly surrounded by agricultural fields, however, there is a dwelling located to the south-west of the site.

The site is situated within the settlement boundary of Tongue End, as identified by Policy 1 in the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

The site is located within Flood Zones 1 and 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H03-0246-93: Erection of timber component store - approved 20 April 1993

H03-0773-19: Demolition of existing buildings and erection of pair of three bed semi-detached houses with linked garages - approved 01 October 2019

H03-0093-23: (Outline Application) Demolition of existing buildings and erection of two 3 bed semi-detached houses with link garages - approved 18 May 2023

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Deeping St Nicholas Parish Council: No objections.

Environmental Protection: A standard land condition is recommended.

Highways and SUDS Support:

First Response (27 November): The access to be upgraded to LCC Spec and they need to show the width of the access - it should be a minimum of 2.5m.

Second Response (19 December 2024): The application is for the demolition of buildings except for one (to be reduced in length) and used for storage of equipment in connection with applicants groundworks business and erection of one self build/custom build dwelling with associated works. The site has outline approval for two dwellings. There are trees in the vicinity of the access that have TPO's on them therefore a 'No Dig' access construction shall be installed. This is to be agreed post planning with Lincolnshire County Council vehicle crossings team. A condition is requested to ensure that a suitable construction is submitted for approval with Lincolnshire County Council. There is sufficient parking on site for the size of the dwelling along with space to turn enabling calling vehicles to enter and leave in a forward gear. A condition is recommended requiring further details of the proposed access to be submitted prior to the occupation of the development.

Welland and Deepings Internal Drainage Board: My previous comments made under outline application H03-0093-23, dated 23rd February 2023 still apply and I attach them for ease of reference. The site is bound along the roadside at the frontage of the plots by the Board's Delph Drain. This drain is afforded the protection of a 9m byelaw distance so anything outside of this is okay. But if anything is proposed within this distance in the future then the Board would object.

Conservation Assistant (Tree Preservation): We have a similar situation with preserved trees and a site access at Sutton Saint James, Jarvis Gate. Samantha Legg (Highways) was trying to see if the normal Highways Requirements could be adjusted to minimise potential damage to tree roots. The 'highway apron' being made as small as possible, and no - dig solutions etc. Part one of condition re - protection needs updating, to encompass requirements of British Standard 5837:2012, to ensure that from pre-commencement of site clearance, protective fences are installed around Root Protection Areas as calculated using the Standard. Normally use fixed metal Heras fencing as in Standard and Survey Report, rather than chestnut paling, as apparently hard to acquire.

Lincolnshire Wildlife Trust: No response received.

Lincolnshire Bat Group: No response received.

Natural England: No response received.

Ecology Officer: No response received.

Cllr B Alcock: No response received.

Cllr J R Astill: No response received.

Cllr A Harrison: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

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;
- Highway Safety and Parking;
- Impact on Trees;
- Biodiversity; and
- Flood Risk.

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 boundary of Tongue End, which is identified within the 'Other Service Centres and Settlements' category. Policy 1 of the Local Plan sets out that development will be permitted within these types of settlements 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. Development will normally be limited to committed sites and infill.

Therefore, the proposed development accords with Policy 1 of the Local Plan. The principle of development on this site is considered acceptable subject to the assessment of other material considerations.

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.

Similarly, Policy 2 of the Local Plan 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 Local Plan 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 proposed dwelling features two storeys with a gable end roof form. A single storey rear extension is proposed with a flat roof and a roof lantern. A timber framed front porch and a chimney breast are proposed which are suitable elements given the rural character of the area.

The proposed dwelling is set back from the road frontage. This is acceptable as most of the nearby dwellings are also set back from the road frontage. The proposed dwelling measures approximately 8.5m up to the roof ridgeline. The nearest dwelling to the site is Masters House, located to the

south-west. Masters House features two storeys and a relatively large building footprint. The scale of the proposed dwelling is therefore acceptable as it would not be overly dominant or out of keeping with the character of the area. Furthermore, there are existing trees and vegetation around the site which would partially screen the proposed dwelling.

Hampton rural blend brickwork is proposed for the facades. As there is red brickwork on the nearest dwelling to the site, Masters House, the proposed brickwork is acceptable.

The proposed development is acceptable in terms of its design and visual impact. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore accord 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.

Policies 2 and 3 of the 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 nearest dwelling, Masters House, is located to the west of the site. There is a telephone exchange counter to the north-west of the site and Counter Drain Drove is located to the north. The site is otherwise surrounded by agricultural land.

No windows are proposed on the side elevation that would face onto Masters House. Due to the positioning of the proposed dwelling, it is considered that the dwelling would not result in an unacceptable degree of overlooking with Masters House. The proposed dwelling also would not result in an unacceptable degree of overshadowing.

Enough internal floorspace is proposed to ensure there is enough living space within the dwelling. Similarly, there is ample garden space proposed within the site to serve the proposed dwelling.

The proposed development would not result in significant detriment impact on the amenity of future occupants or the neighbouring property at Masters House. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

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 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 Local Plan, 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 space has been provided to enable on-site parking and turning to enable vehicles to leave in a forward gear. The redevelopment of the site would have no significant or detrimental highway impacts. Lincolnshire County Council's highways team requested confirmation that the access width is at least 2.5m. The access is 2.5m wide and the highways team have subsequently responded to confirm they have no objections, and the team has recommended a planning condition requiring further details of the access to be submitted prior to the occupation of the development. This condition has been included however the timescale for submission has been changed to require details to be submitted prior to works starting on the access.

The proposed development would have an acceptable impact in terms of highway safety and as such the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Impact on Trees

There is a Tree Preservation Order (TPO) within the site (TPO-03B/01/1990). The trees within the site are proposed to be retained, however, the vehicular access into the site would likely affect the root protection areas of some of the trees.

The council's tree officer has not raised any objections to the proposals, however, the officer has asked for conditions and for a no-dig construction method to be considered for the site access to protected the TPO trees.

It is considered appropriate to include conditions to ensure the trees within the site are protected during construction works and thereafter. With the inclusion of these conditions, the proposal therefore accords with Policies 2 and 3 of the Local Plan in terms of the impact of the proposed development on the trees within the site.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Section 8 of the Regulations outlines the following:

"The biodiversity gain planning condition does not apply in relation to planning permission for development which:

- (a) consists of no more than 9 dwellings;
- (b) is carried out on a site which has an area no larger than 0.5 hectares; and
- (c) consists exclusively of dwellings which are self-build or custom housebuilding"

The submission indicates that the proposed dwelling is self-build and is therefore exempt from the requirement to provide BNG. The local authority agrees with this given that the proposal is for one dwelling only and that the proposed design appears to be bespoke for the site. As such, the development is exempt from the requirement to provide BNG.

Policy 28 of the Local Plan requires all applications to demonstrate BNG. However, Paragraph 20 of the National Planning Practice Guidance on BNG, states the following:

"It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain. Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework."

As such, there is no requirement for the proposal to demonstrate BNG in line with both national legislation and the Local Plan. A unilateral undertaking agreement has been prepared to confirm that the development will be constructed and retained as a self-build dwelling.

The application is accompanied by a Preliminary Ecological Appraisal, within which it is identified that bat surveys have been undertaken. The surveys found that brick building within the site is used as an occasional day roost site for brown long eared bats. The peak number of bats recorded was one. Therefore, there is one roost location within the building. The building is not a maternity roost for any bat species. It is suspected that both pipistrelle bat species and brown long-eared bats roost next to the survey site. A license from Natural England will therefore be required, however, this is

separate from the planning process. The mitigation required to support this low impact licence application includes the erection of three tree/building mounted bat boxes and the supervision of the roof strip on the building prior to demolition. These measures can be secured via a condition. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

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.

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 Local Plan 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.

The majority of the site is located within Flood Zone 3 as identified by the Environment Agency's maps. A small part of the site near Counter Drain Drove is located within Flood Zone 1.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests.

The application is accompanied by a Flood Risk Assessment (FRA). Section 3 of the FRA contains information relating to how the applicant considers that the proposed development passes the sequential and exception tests.

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.

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. It is not considered that there are any site-specific reasons as to why the proposed residential development needs to be located within Tongue End as opposed to another settlement. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. The main areas within lower risk flood zones includes Moulton and Moulton Chapel, which are also Minor Service Centres. A search has been undertaken by the local authority to establish if there are any alternative sites within a lower risk flood area. No other sites were found. It is therefore considered that the sequential test is passed.

In terms of the exceptions 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."

In terms of part a, the submitted FRA sets out that the development would be located within an existing community and that the proposed dwelling would help sustain the local community. It is recognised that the proposed dwellings and flats would make a contribution to the local housing supply which could benefit the community as future occupants could help sustain local services and facilities. National Planning Guidance sets out that examples of wider sustainability benefits can include the re-use of brownfield land and the provision of sustainable drainage systems (Paragraph: 036 Reference ID: 7-036-20220825). The application form indicates that the proposed means of surface water drainage is via soakaways, which are a sustainable form of drainage.

In terms of part b, the SFRA sets out at Paragraph 9.1.5, that there are a range of factors to be considered when determining whether or not a development is 'safe'. However, the minimum measures required for each flood hazard zone are found within the standing advice matrix at Appendix C of the SFRA. Within the SFRA, areas of South Holland are categorised according to a hazard rating. In this case, the site is located partly within a 'Danger to SOME' area and partly within a low hazard area. Within a 'Danger to SOME' area, Appendix C of the SFRA sets out that for a more vulnerable use such as residential development of a minor nature, it is necessary to ensure that appropriate flood risk mitigation is in place. In this case, the FRA recommends that the floor level of the dwelling is set 0.3m above the surrounding ground level and that there is 0.3m of flood resilient construction above the finished floor level. A condition is recommended to ensure compliance with the submitted FRA. As such it is considered that the proposed development would meet the requirements of Paragraph 178, part b.

It is therefore considered that in terms of flood risk, the proposed development accords with Policy 4 of the Local Plan and the Paragraph 178 of the NPPF.

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 proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall, the proposed development accords with the Local Plan and the NPPF.

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 accords with Policies 1, 2, 3, 4, 17, 28 and 36 of the Local Plan, as well as Sections 9 and 12 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.