

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0993-24 **Applicant:** Mr & Mrs Atkins
Proposal: Erection of single bungalow & new access to existing dwelling
Location: 1 Cherry Holt Lane & Adjacent To Pinchbeck Spalding
Terminal Date: 13th June 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
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 and 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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	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	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the erection of a single storey bungalow and a new access for the existing dwelling within the site, 1 Cherry Holt Lane. It is proposed to subdivide the existing plot to provide the proposed dwelling and its associated garden space and access.

Site Description

The application site comprises land at 1 Cherry Holt Lane, within the settlement boundary of Pinchbeck. The site is located within a mostly residential area, however there is a cemetery to the south of the site. Trees within the site are covered by a tree preservation order (TPO/014/05/1988).

Planning History

H14-0227-89: (Outline Application) Erection of one chalet bungalow with garage and' access to Cherry Holt Lane, Pinchbeck - approved 20 April 1993

H14-1108-07: (Outline Application) Residential development - erect one dwelling and provide new access - withdrawn 06 December 2007

H14-0683-08: (Outline Application) Residential development - demolish existing dwelling and erect 3 dwellings - approved 02 December 2008

H14-0109-08: (Outline Application) Residential development - demolish existing dwelling - withdrawn 28 April 2008

H14-0793-11: (Permission Renewal) Residential development - demolish existing dwelling and erect 3 dwellings - renewal of H14-0683-08 - refused 07 December 2011

H14-0619-13: (Full Application) Extension and alterations to create two-storey house - approved 18 September 2013

H14-0069-14: (Section 73 Application) Extension and alterations to create two storey house - approved under H14-0619-13. Modification of Condition 2 to allow changes to materials and design - approved 11 March 2014

H14-0144-17: (TPO Works) Works to Pinchbeck TPO No. 5 1988 - approved 10 April 2017

H14-0170-22: (Full Application) Proposed detached garage - approved 14 April 2022

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Welland and Deepings Internal Drainage Board: No comments.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Pinchbeck Parish Council: No comments.

Highways and SUDS Support:

First Response (17 December 2024): Visibility is to be demonstrated in accordance with Manual for Streets. A note should be added to the site plan to say the proposed access will be constructed to Lincolnshire County Council specification.

Second Response (04 February 2025): The proposal is for the erection of a single bungalow & new access to the existing dwelling. Visibility for the new access onto Rotten Row has been demonstrated in accordance with Manual for Streets and will be used by the host dwelling. The access will be constructed to Lincolnshire County Council Specification. An internal boundary treatment has been detailed to ensure that the host dwelling cannot use the existing access that the new bungalow will use. This access is not wide enough to be shared. Parking and turning is adequate for the new bungalow and the host dwelling. The proposal will not have an adverse impact on the public highway. Condition 13 and Highways Informatives 3 and 8 are recommended.

Environmental Protection: No comments.

Tree Officer:

First Response (23 December 2024): Trees on the site are the subject of Pinchbeck Tree Preservation Order No. 5 1988 and are also protected under Condition 4 of Planning Permission H14-0170-22. If any respect is to be given to the status of the Tree Preservation Order, the proposed development is currently not in an acceptable form for approval. The site is of significant size. If there was some flexibility allowed in following the dominant building line, and the proposal was slightly reduced in size; this would allow it to be re-designed with greater distance between the proposed dwelling/garage and those trees subject to a Tree Preservation Order, which could be more acceptable.

Second Response (13 February 2025): Foundations of the proposed walls framing the new access for the existing property require building to take into account the tree roots present, as the proposal encroaches into the Root Protection Area of the much-admired Cedar tree, to keep root damage to a minimum. The Applicant and Architect have made an effort to improve the distance between the eastern most lime tree and the proposed building which is encouraging. They have proposed the planting of a replacement tulip tree in an appropriate place. From the onset they have employed the services of an arboriculturalist and will hopefully take his expertise on board. An alternative area for the handling of materials is likely to be needed. Should permission be granted, and every effort be made to limit damage to the trees: It is still of some concern that many people will find the building has been constructed too close to the trees for their peace of mind in exceptional weather conditions. They will look to having works carried out on the trees which could have been avoided should the proposal not have been of a scale to be sited so close in the first place. To make any more room for the eastern most lime without fundamentally altering the scale of things or design, whilst there is still the opportunity, has the following been considered? Within the footplate of the proposed building is there any possibility that the bedroom 3 could not be slightly reduced in size adjacent to the tree, and extended into the dining area, and the living area extended to almost the position of the proposed hedgehog access symbol near the northwestern corner of the proposed dwelling to compensate? Just to make a little more distance between the easternmost tree and the proposed building. This will make the end of the living area slightly nearer other lime trees but be outside of their Root Protection Areas.

Cllr S A Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

Ecology Officer: 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 Protected Trees;
- Flood Risk; and
- Biodiversity.

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 defined settlement of Pinchbeck which is a Main Service Centre. Policy 1 sets out that within Main 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. The proposed development is therefore acceptable in principle. It is however necessary to assess the proposed development against other relevant criteria, as assessed below.

Design and Visual Impact

Section 12 of the NPPF specifically relates to 'Achieving well-designed and beautiful 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 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.

Similarly, Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The proposed dwelling would comprise a single storey bungalow, featuring a hipped roof line. The bungalow would feature a garage which is linked by a roof covering. The proposed dwelling measures approximately 5.8m up to the ridgeline

The street scene along Rotten Row and Cherry Holt Lane features a mixture of house types, including detached and semi-detached dwellings, bungalows and two-storey dwellings. The proposed bungalow would be set back from the road frontage by approximately 13m. Although the host property is set back further into the plot than this, the proposed set back distance is comparable with other dwellings on the street scene. The proposed siting and scale of the dwelling is in keeping with the character of the area and is therefore acceptable.

The proposed materials include Tigra Multi brickwork and Sandtoft Calderdale edge roof tiles. The materials would not be out of keeping for the area as there is a mixture of brickwork materials on the street scene. The proposed materials are acceptable.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area, and would therefore accord with Policies 2, 3 and 29 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impact on Amenity

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

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

There are no dwellings to the site as there is a cemetery immediately to the south of the site. A hedgerow provides screening between the site and the cemetery. The hedgerow extends around the site frontage and as such this would minimise the potential for overlooking with nearby properties.

The proposed dwelling would not face directly onto the existing dwelling with the site. The relationship between the two dwellings is therefore acceptable and the development would not result in an unacceptable degree of overlooking or overshadowing due to its scale and positioning within the site.

Both dwellings would be provided with enough outdoor amenity space and sufficient living space is proposed within the proposed bungalow.

As detailed above, the proposed development would not result in an unacceptable impact on the residential amenity of neighbouring dwellings or future occupants. As such, the proposal accords with the provisions of the Section 12 of the NPPF (December 2023), and Policies 2 and 3 of the Local Plan.

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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

The proposal seeks to use the existing access into the site from Rotten Row to the east of the site for the proposed bungalow. A new vehicular access is proposed for the existing dwelling from Rotten Row further to the north. There is sufficient room for parking and turning within the site for both dwellings. Lincolnshire County Council's highways and sustainable drainage team initially requested additional information including confirmation that the recommended visibility splays could be achieved and that the new access will be constructed to the county council's specification. Additional information has been submitted and the highways team have confirmed they have no objections to the proposals.

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

Impact on Protected Trees

Trees within the site are covered by a tree preservation order (TPO/014/05/1988). The council's tree officer raised concerns within their first response with the proposals. For example, there were concerns that the proposed dwelling including the integrated garage would be too close to the eastern most preserved lime tree. The tree officer set out concerns that there is likely to be pressure from future occupants to trim or remove the protected trees due to the proximity of the trees to the dwelling, as a result of shadowing and concerns that the trees might fall onto the dwelling in severe weather. The position of the dwelling has been amended to move the dwelling slightly further away from the root protection areas (RPAs), and the integrated garage has been changed to a detached garage in front of the dwelling, to reduce the impact on the trees. The officer accepts that the changes have helped to reduce the impact on the trees, however, the officer has queried whether the dwelling could be scaled back any further, for example by reducing the size of the third bedroom, in order to reduce the impact on the RPAs as the dwelling is still within the RPAs of the protected trees. Whilst the tree officer's concerns are noted, the proposed dwelling would encroach less than 8% into the RPA and the dwelling has been scaled back. Therefore, on balance the impact is considered to be acceptable. It is however considered appropriate to include a condition restricting permitted development rights relating to extensions and outbuilding in order to retain control over future development that could further affect the health of the protected trees within the site.

The tree officer also considered that the silver birch tree near the site frontage is also close to the dwelling. A driveway is proposed under the canopy of and immediately over at least half of the RPA of the silver birch tree. This will immediately require the canopy to be raised to enable access. Using modern No-dig techniques it should be possible to construct a driveway over the tree roots which will cause minimum disturbance if carried out correctly under close supervision of a qualified arboriculturalist. Similarly, no dig construction techniques should help to minimise the damage to the Blue Atlas Cedar tree which is also within the site.

The tree officer considers that the positioning of the replacement tulip tree is acceptable. The tree

officer has not raised objections to the possible removal of four weeping willow trees next to the western boundary wall, and a holly tree.

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 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 Local Plan sets out that development within Flood Zones 2 and 3 can be permitted in instances where specific criteria is met.

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), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is not considered that there are any site-specific reasons as to why the proposed two dwellings need to be located within Tydd St Mary 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. 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."

The proposed dwelling would provide a minor contribution to the area's housing supply. This would provide some sustainability benefits in terms of sustaining local services and facilities as future occupants could help sustain these.

The site is within an area which has a hazard rating of 'Low' and 'Danger to Some', according to the SFRA. The submitted FRA recommends that the ground floor level of the bungalow should be raised to 500mm above the existing ground level, and for flood resilient construction to be incorporated to a height of 300mm above the predicted flood depth. This accords with the recommendations of Appendix C of the SFRA which sets out the necessary mitigation for different types of proposals within flood risk hazard areas. The proposed development is therefore considered to be safe in terms of flood risk as the development incorporates the recommended mitigation.

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

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 applicant has submitted a Biodiversity Exemption Statement setting out that the development is exempt as the proposed dwelling is for a self-build / custom dwelling. The local planning authority agrees with this assessment and a unilateral undertaking agreement has been prepared to ensure compliance with this.

The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 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 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. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 29 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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