

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0157-26 **Applicant:** Mr I Andrew
Proposal: Erection of Bungalow - outline approval H16-1019-23
Location: Between Mortimer & Beaulor The Raceground Spalding
Terminal Date: 22nd April 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
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 5 - Delivering a sufficient supply of homes
 Section 9 - Promoting sustainable transport
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Reserved Matters application following outline approval H16-1019-23. A three-bedroom bungalow is proposed. It would measure 11.86m (width) by 13.4m (depth), with an overall footprint of 152sqm. To the eaves, the height would be 2.875m, rising to 6.25m at the apex.

The dwelling would be constructed of Wienerberger Hathaway bricks, with Sandtoft Danum dark grey tiles. A 1.8m close boarded fence is proposed to the rear, while a 1m close boarded fence is proposed to the front.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is within the garden of the adjacent bungalow (Mortimer). There is railway waste ground and a railway line to the east behind the existing dwellings, with the river Welland located approximately 350 metres beyond that. Open fields are located to the west.

Two trees, recently subject to a tree protection order, are located on the south-western boundary of the site.

Relevant History

H16-1019-23 - Outline. Residential Development - Erection of Bungalow. Approved 15/01/24

H16-1138-20 - Outline. Residential Development - Proposed building plot for bungalow. Approved 22/02/21.

H16-1164-17 - Outline. Residential Development - Proposed building plot for bungalow. Approved 11/01/18.

H16-0974-14 - Outline. Residential development - proposed plot for bungalow and access. Approved 26/01/15.

H16-0790-11- Outline. Proposed residential development and vehicular access. Approved- 21/11/11.

H16-1104-08- Outline. Proposed residential development and vehicular access. Approved 15/12/08.

H16-1344-05 - Outline. Residential development - one dwelling. Approved 02/11/05.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Cllr Ashby

The size of this seems to big for this plot

Highway and Lead Local Flood Authority

"No objection - The proposal is for the erection of a Bungalow following outline approval H16-1019-23. There is a wide highway verge fronting the site, so visibility is good. They are proposing a 3-bed bungalow and the parking and turning demonstrated is acceptable. The access should be constructed to Lincolnshire County Council Specification. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Planning Conditions

In the event that permission is to be given, the following planning conditions should be attached: Prior to first occupation on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first occupied and thereafter retained at all times.

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

Internal Drainage Board

The treated effluent discharge from the proposed package treatment plant will require the Board's consent prior to works commencing on site. Contact should be made with Network Rail for their advice/guidance as discharge is proposed into a dyke adjacent to the railway line. If any other discharges are proposed into this drain in the future then the Board's consent and Network Rail's comments would be required again at that time

Environmental Protection

My comment remains the same as on the previous application and I ask that a standard land contamination condition be applied at this location

Tree Protection Officer

The frontage of the site is dominated by two mature apple trees whose trunks are within the curtilage of the property known as Mortimer, and which canopies encroach into the proposed site.

The trees are mature, such trees can bear fruit even when quite hollow, and add to the visual amenity of the street scene. The presence of these two trees should have been taken into account when plans for an adjacent property were drawn up. they seem to have been completely ignored.

A number of people have made it known how the apple trees add to the visual appeal of this part of The Raceground and have always been particularly admired when in blossom. Due to the amenity value of these trees, they have recently been made the subject of Spalding Tree Preservation Order No. 89 2026.

The Root Protection Areas of both trees require calculation as in British Standard 5837:2012. Ideally the proposed development should be re-designed so that AT LEAST the area covered by the Root protection Area of both trees is completely free of any encroachment by the proposed development. The further from the trees the footplate of the development is the better. Such trees have the potential to enhance a future development, rather than being viewed as a problem to be ignored, or even damaged.

Root Protection Areas will need to be taken into account should it be proposed to construct any pathways or the like within them. 'No dig' methods of construction would be required. Should development be allowed the trees will need fencing prior to any site clearance as in British Standard 5837:2012

Network Rail

Outline that there is the potential for the works to negatively impact upon the nearby level crossing. Recommend the imposition of a Construction Traffic Management Plan in the event application is approved.

Highlights the potential for consistent and prolonged noise disturbance due to proximity to tracks and the need for appropriate mitigation.

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, numerous letters of objection have been received, all from a single address.

These can be summarised as:

- Concerns regarding unquantified impact upon neighbouring property's drains
- Scale of dwelling out of keeping
- Dwelling does not follow build line
- Impact upon protected trees

Key Planning Considerations

Evaluation

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

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

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

Principle of Development

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

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

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. Irrespective, the principle of development was deemed acceptable under outline application H16-1019-23. As a Reserved Matters proposal pertaining to this previous application, there is no requirement to revisit the principle of development here.

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

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

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

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

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed dwelling would occupy a far larger footprint than its counterparts in the immediate area. While much of this additional bulk is located to the rear, the dwelling would be positioned slightly in front of the "build line" established by the flanking dwellings. As such, the visual mass of the building would be greater than its immediate counterparts, resulting in a dwelling which appears more dominant than nearby development. Furthermore, this positioning, taken in isolation of its implication on massing etc, would appear incongruous in its own right as it would be an anomalous feature.

The height of the dwelling, at 6.25m, is relatively tall for a bungalow. That being said, it is not an overly tall proposal for a bungalow with storage in the roof. Whilst the houses either side are bungalows, beyond that there are two storey dwellings, preventing a consistency of heights in the area. However, when this height is conjoined with the significant mass of the building, and its projection to the front of the dwelling, the result is a highly impactful development, which appears significant in size, particularly compared to the two adjacent dwellings. This results in a degree of harm.

As identified by the Tree Protection Officer, there are two trees immediately adjacent to the site with Tree Preservation Orders placed on them. These trees have been protected, largely, due to their amenity value. The positioning and scale of the dwellings would obscure these views, thereby reducing the visual benefits from these protected trees, in effect harming the positive characteristic which led to their protection. On this basis, the proposal would detract from the character and appearance of the area, through this negative impact upon the protected trees.

Taken in isolation of its scale, the actual design of the dwelling is basic. It would make little contribution to the character of the area, and whilst not harmful, would not benefit the architecture of the area.

From a visual perspective, the boundary treatments and planting are functional. They are typical and would not harm the area, even if they do not make an overly positive impact.

The National Design Guide, in paragraphs 53 and 56 amongst others, outlines the importance of new development reflecting existing development in the area. This is with regards to scale, design and characteristics. While there is an eclectic mix of properties in the area, this plot is most directly influenced by the two adjacent bungalows, both of which are small within spacious plots. This dwelling, by virtue of its significant scale and positioning, would fail to reflect the established character of the area, resulting in an incongruous development.

The proposal would therefore harm the character and appearance of the area, and would be

contrary to policies 2 and 3 of the SELLP and Section 12 of the NPPF as a result.

Impacts Upon Resident Amenity

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

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 30 relates to pollution in all forms, including noise pollution and contaminated land.

As finished floor levels are to be raised 0.3m, a conventional 1.8m high fence would not provide full screening from ground floor windows. However, all but two windows face the rear and front, preventing overlooking. The north facing window connects onto an en-suite and so could be obscure glazed, whilst the south facing window would only offer views of a blank elevation and an area of garden visible from the public realm, preventing harm.

The proposal is close to the railway line. At this distance, there is the potential for a significant amenity impact. No mitigation methods, including acoustic fencing is proposed. It has been highlighted by Network Rail that such mitigation is imperative. As a result, there is a significant potential for a substantial impact from noise pollution, which has not been accounted for or quantified by the Applicant. On this basis, it cannot be said the proposed dwelling would be capable of providing an adequate standard of residential amenity.

In light of the lack of suitable adaptation, it is not considered that the proposal could provide adequate residential amenity. The proposal is contrary to Policies 2, 3 and 30 of the SELLP and Section 12 of the NPPF.

Highway Safety and Parking

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

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

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

The access is considered acceptable, providing adequate visibility.

It has been highlighted by Network Rail that there is a potential for a negative impact upon the nearby crossing. To ensure that this would not occur, a construction management plan should be placed on this permission, in the event the application is approved.

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

Flooding Considerations

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

necessary, the exception test as set out below".

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

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

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

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

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

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

Within the SFRA the site is outside of any identified hazard zone.

Flood risk was considered at the Outline stage. The decision to raise finished floor level is considered to be acceptable and good practice.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Drainage

Whilst the resident comments regarding their drainage infrastructure are noted, it is considered that this is largely a civil issue, seeing as the drains run under land outside their ownership. Moreover, full details of drainage were requested via condition, with this process sitting separately from the Reserved Matters considerations. On this basis, the onsite drainage matters will not be considered here.

Impact upon Protected Trees

Two trees with Tree Protection Orders (TPOs) along the south-western border with the dwelling Mortimer. These TPOs were put in place after the granting of outline approval. The proposed dwelling would be less than 1m from the edge of the canopy as shown on the submitted block plan (SD25-026/1).

The proposed dwelling would therefore appear to be within the root protection area of the protected trees. No construction plan or equivalent as to how to minimise impact has been provided. Likewise, no arboriculturist report has been provided to quantify harm (or lack thereof). On this basis, it cannot be assured that the proposal would have an unacceptable impact upon the TPOs, and therefore, on the balance of probabilities, harm is assumed to be caused.

The benefits of this scheme, particularly given the aforementioned Policy conflicts, are not considered to outweigh this harm. The proposal would therefore be contrary to Policy 28 of the SELLP, through unacceptable harm to a protected tree.

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 dwelling would be substantially larger than its immediate counterparts, and is not considered to be commensurate to the size of the plot. Moreover, the positioning of the dwelling would be closer to the road than neighbouring dwellings, creating an unusual feature and increasing the perceived scale of the dwelling. This scale and positioning would also prevent views of the neighbouring protected trees, which have been preserved expressly due to their positive amenity contributions. The proposal would therefore negatively impact upon the character of the area.

The site is within close proximity to an existing, operational, railway line. No acoustic assessment or details of adaptation have been provided. There is therefore reasonable doubt that an adequate standard of residential amenity can be ensured.

The proposal would appear to be within the root protection area of the aforementioned protected trees. Adaptations of the design and construction method have not been presented in the form of an arboriculture report. The proximity of the main dwellinghouse to these trees represents a significant likelihood of harm to the protected trees.

Additional Considerations

Public Sector Equality Duty

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

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such

as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

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

Conclusion

Taking these factors into consideration, the proposal is considered contrary to Policies 2, 3, 4 and 28 of the SELLP, as well as Sections 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the harm identified; therefore, the planning balance is against the proposal.

Recommendation

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