

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0514-25 **Applicant:** Tulip-Fields Homes Ltd
Proposal: Proposed Residential Development
Location: Off Chaucers Way Spalding Lincolnshire
Terminal Date: 29th 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
28 The Natural Environment
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 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	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks full planning permission for the erection of a pair of semi-detached dwellings (two dwellings total). Each dwelling would measure 10.489m (depth) by 3.984m (width), giving a total width for the structure of 8.868m. This provides a total footprint of 94sqm, or approximately 36% of the total plot. To the eaves, each would measure 4.27m, rising to 8m at the apex. The total floor area of each dwelling is approximately 78sqm. Each dwelling has a rear garden, measuring approximately 41sqm.

It is proposed that the dwellings would be constructed of Cottage Mixture facing bricks with grey concrete roof tiles. Anthracite fascia, soffits, windows and doors are proposed.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The plot is located opposite the junction of Pilgrims Way and Chaucer's Way, towards the west of the settlement. Currently, the site is used for parking, with a detached garage to the rear of the site.

Relevant History

H16-0232-22 - Full - Residential Development - Erection of Dwelling. Approved 29/04/22.

H16-1054-19 - Condition Discharge - Details of external materials, design and position of external boxes, gas flues etc and ground gas protection measures (Conditions 3, 4 and 6 of H16-0662-19). Approved 27/11/19.

H16-0662-19 - Full - Erection of detached dwelling. Approved 15/08/19.

H16-0366-08 -Full - Proposed replacement garage/store. Approved 27/05/08.

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:

Highway and Lead Local Flood Authority

Additional information required:

"The vehicle crossing is to be extended and a note should be added to the site plan to say it will be constructed to Lincolnshire County Council Specification.

The height of fence adjoining the highway from the front elevation of the houses is to be reduced to 600mm on the site plan to ensure visibility is maintained."

Environmental Protection

"No comments regarding land contamination or environmental protection."

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage."

Ecologist

"Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 40.36% in Habitat units (0.0044 units). "

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

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.

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

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

As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a sub-regional centre and make a positive contribution to local housing stocks.

It should be noted that there is an extant permission on the site H16-0232-22 for a single dwelling.

This proposal was approved under the same Local Plan, and the same broad considerations of the NPPF. To this end, there is considered to be a significant fallback position and a historic allowance made for housing on this site.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 61 and 73 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

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.

Whilst the proposal would break from the established build pattern of the area, and would be in a prominent position along the street, the proposal would have no greater of an impact than the previous permissions granted on the site. The provisions of the SELLP and more broadly national guidance relating to design have not significantly altered within the interim. To this end, the positioning of the dwelling is considered acceptable.

Within Chaucer's Way and the surrounding area, there is a relatively high mix of dwelling types, designs and materials. While there is a clear residential character, there is not an abundantly clear design style running throughout the area. As such, the proposed dwellings would not necessarily appear out of character, as there is suitable individuality in the area to naturalise the design. The design itself, including material selection, is a fairly typical of residential developments in the wider District, if not necessarily the immediate locale, and this typicality would help to further naturalise the development. In any event, the design would be no more out of character than those previously approved on the site. Therefore, the chosen design is considered acceptable.

The plot size, proposed dwellings and gardens would be smaller than many in the in the immediate area; however, they would not be such outliers as to appear incongruous. The design has been well considered to reflect the constraints of the plot. Sufficient space has been maintained to allow for the proper function of the site.

The proposed boundary treatments, comprised of a 2m high timber fence to the rear and a 1m timber fence to the front, are considered acceptable. These treatments are typical of the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal

is considered to be acceptable, particularly in light of the previous approval on the site. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

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

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

Adequate amenity space has been provided for each plot. The gardens are an adequate size and proportionate to the dwellings themselves. The internal floor space provided achieves the requirements of the Nationally Described Space Standards, ensuring a suitable standard of space is provided for residents.

The adjacent dwelling to the north is single storey. The neighbour to the west has no side elevation windows. As such, the proposed dwellings would not be overlooked by these neighbours. To the south, any views gained would be at an oblique angle, thereby reducing their impact.

Likewise, the views obtained from the proposed dwellings are not considered to represent a significant overlooking concern. The boundary treatments are considered to suitably restrict reviews from ground floor windows to prevent an overlooking effect. Whilst only a minor separation distance to the rear boundary has been provided, it is not considered that the overlooking effect would be substantially worse than a typical arrangement in a residential area such as this. In any event, the impact would be no worse than that under H16-0662-19 or H16-0232-22, both of which have been assessed under this current Local Plan. As such, it would be unreasonable to resist the application on this basis given the site history.

The shadow cast to the southern neighbour would be relatively low, due to the north-south orientation of the buildings. To the west, the majority of the shadow would fall onto the proposed residential garden; thereby ensuring no significant amenity impact upon the neighbour. To the north, the bulk of the shadow would fall onto an existing blank elevation and the driveway, thus ensuring no significantly harmful amenity impact.

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

Highway Safety and Parking

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

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

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

The request from the Highway Authority to add the relevant note relating to the access has been followed through, although no further comments from the Authority were subsequently received.

Turning to the fencing, The comments of the Highway Authority have been noted; however, it is not considered that they would carry significant weight against the proposal. A 1m high boundary treatment could be constructed under the provisions of Schedule 2, Part 2, Class A of the General Permitted Development Order, 2015, in this position. This would have the same effect as the development proposed here, and would be beyond the control of the Authority. Due to this significant fallback position, it is not considered appropriate to restrict the development excessively.

On balance, and in light of the provisions of Paragraph 116, is considered that the proposal would have no unacceptable impact upon the highway network.

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 not within an identified hazard zone. Therefore, the tangible flood risk on

the site is relatively low.

As the site is not within a hazard zone identified in the SFRA, the site is considered to be sequentially preferable, in line with the provisions of the of Paragraph 174 of the NPPF. As such, the site is considered to pass the sequential test, and there is no requirement to apply the exceptions test.

It is proposed that finished floor levels would be raised by 300mm. This is considered appropriate, and proportion, given the site is in Flood Zone 3 but not within a hazard zone in the SFRA. The proposed raise in floor level will ensure the dwellings are safe for their lifetime without creating significant design or amenity implications.

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

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

Currently, the site has limited vegetation. Therefore, from the details provided, the creation of the residential gardens should ensure a sufficient uplift in biodiversity to achieve the requirements of the statutory condition. This should be assured via the imposition of the statutory biodiversity gain condition and relevant supporting conditions.

The ecologist has raised no objections to the proposal and stated that they believe the relevant BNG provisions can be met.

Planning Balance

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

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. Application for a comparable development

on the site, which would have the same broad character impacts, has already been considered to be permissible within the lifetime of the Local Plan.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 33 and 36 of the SELLP, as well as Sections 9, 12, 14, and 15 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.