DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0703-25**	**Applicant:**	**Mrs Shea**
Proposal:	Proposed New dwelling		
Location:	South Of The Meadows Lowgate Tydd St Mary		
Terminal Date:	16th September 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 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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	1	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks outline planning permission with all matters reserved, except the proposed access, for the erection of a dwelling. The vehicular access is proposed to be taken from Low Gate, which is located to the west of the site.

Site Description

The application site comprises land within the garden of The Meadows, which features a single storey bungalow that faces towards Low Gate. There is a single storey bungalow to the south of the site, 1 Willows Close. This dwelling comprises a corner plot and faces to the south-west.

The site is within the settlement boundary of Tydd St Mary, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Planning History

H21-0606-78: (Outline Application) Erection of dwelling and garage with provision of vehicular access at Low Gate, Tydd St Mary - approved 10 October 1978

H21-0388-81: (Outline Application) Erection of five dwellings with garages and accesses at OS N o 483, Low Gate, Tydd St Mary - no decision issued

H21-1240-81: (Full Application) Residential development (6 plots) with garages and vehicular access - approved 14 October 1982

H21-1032-95: (Outline Application) Proposed single storey dwelling, including means of access - approved 27 December 1995

H21-1176-98: (Full Application) Construction of additional garage - approved 09 February 1999

H21-0813-22: (Tree Works) Works to Tydd St Mary Tree Preservation Order No 6 1995 - not determined

H21-0737-23: (Tree Works) Works to Tydd St Mary Tree Preservation Order No. 6 1995 - approved 05 September 2023

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.

North Level Internal Drainage Board: No comments.

Tydd St Mary Parish Council: No objections

Environmental Protection: No comments regarding land contamination.

Lincolnshire County Council - 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.

Lincolnshire County Council - Highways and SUDS: The proposed access arrangements will be from Lowgate which has suitable visibility, so that drivers intending to enter the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre. The applicant needs to make consideration of sufficient parking provision where 2 parking spaces for a dwelling with three bedrooms or less and 3 parking spaces for dwellings with four or more bedrooms are proposed and sufficient turning facility within the site to enable vehicles to enter and leave in a forward gear. Sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land. Highway condition 15 is recommended and informatives 03 and 08.

Ecology Officer: The biodiversity assessment and metric calculations appear sufficiently rigorous, and currently indicate that 10% mandatory net gain cannot be achieved on-site, and therefore the proposals require off-site units. However, I ask the applicants to confirm the number and size of trees that have been recorded in the metric's baseline habitat calculations before the authority approves the number of off-site habitat units that are required to achieve 10% BNG. Currently, one medium sized tree is recorded onsite at baseline, however, google Streetview imagery of the site suggest that there may have been up to 4 medium sized trees present within the red-line boundary, which should be included in metric's calculation (see photograph below). Therefore, the authority requires photographs or other evidence confirming that the diameter at breast height of these other trees is less than 30 cm (the criteria for a "medium" sized trees). Including all 4 trees in the metric's baseline results in a unit deficit of 0.61 units for achieving 10% BNG, rather than the current estimate of 0.18 units based on one medium sized tree onsite. In any case the off-site units will need to be secured pre-commencement and can be achieved via 2 routes. We seek further information to evidence the BNG assessment before the authority will be able to approve the development's approach to achieving 10% BNG. These details should be clarified as soon as possible to minimize uncertainty and further delays when the applicants seek to purchase offsite units to discharge the biodiversity gain condition pre-commencement.

Lincolnshire Wildlife Trust: No response received.

Lincolnshire Bat Group: No response received.

Tree Officer: No response received.

Conservation Officer: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: 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, three letters of representation have been received. The key matters raised within the response are summarised below:

-Without definitive plans comment cannot be provided simply because there is no scale or elevation drawings available.
-Several trees have been removed from the site and most of the birds that previously used to visit the site no longer visit.
-The drawing is incorrect as a new fence has been erected about 2.5m high on the north side of the pond running the full length of the garden
-The location of the new building and garage seems very close to the southern boundary and this should be amended is the proposal goes ahead.
-The proposal would result in a loss of privacy as the development overlooks a neighbouring rear garden, looking directly onto rear windows, a gazebo and hot tub area. The plans do not indicate the positioning of windows for the second floor bedrooms which could result in further privacy issues.
-The proposed plan shows the building plot to the side of the pond, but shows the pond will still be owned by Meadowcroft. A recently erected fence seems to suggest otherwise. Confirmation required.
-The removal of trees has resulted in a loss of habitat for wildlife such as squirrels.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority (LPA) 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 Heritage Assets;
-Impact on Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity Net Gain.

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 Tydd St Mary which is a Minor Service Centre. Policy 1

sets out that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. Therefore, the proposed development acceptable in principle, however, it is also necessary to consider the proposals against other relevant criteria and 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.

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.

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 site comprises the southernmost part of the garden of The Meadows, to the south of a large pond. There is a large hedgerow next to the road frontage along Low Gate and some trees within and to the north of the site. The site is mostly flat, however, the land slopes downwards where the pond is located. There is a close boarded fence on the southern boundary of the site next to 1 Willows Close. There is no fencing on the northern boundary.

At this stage, the proposed scale, appearance and layout of the dwelling is unknown. As such, it is difficult to assess the visual impact of the proposals. Notwithstanding this, it is considered that a single storey dwelling could be appropriate within the site as most of the nearest dwellings on the eastern side of Low Gate comprise single storey bungalows. The plot size would be smaller than the nearest dwellings as these are mostly located within larger parcels of land. The nearest plots do, however, vary in terms of their shape and size.

The proposed dwelling could be provided with a rear garden and set back from the road frontage at a similar distance to The Meadows and 1 Willows Close. Whilst the plot size would be smaller than the nearest dwellings, there is likely to be room for sufficient internal and external living space, as set out within the following section. Furthermore, the proposed plot size would be comparable with plots on the western side of Low Gate.

Therefore, it is considered that the site has the capacity to accommodate a relatively small-scale dwelling whilst having an acceptable visual impact in accordance with Policies 2 and 3 of the Local Plan, and Sections 12 and 16 of the NPPF. This would be subject to securing suitable design at the reserved matters stage.

Impact on Heritage Assets

There is a grade II listed building, Minerva Farmhouse, located approximately 70m to the south-west of the site, on the opposite side of Low Gate.

Policy 29 of the Local Plan sets out that proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building. Section 16 of the NPPF also sets out that LPAs should identity and assess the particular significance of any heritage asset that may be affected by a proposal, including the setting of a heritage asset (Paragraph 208).

The site is partially visible from Minerva Farmhouse, however, there are various dwellings and boundary treatments in between the site and the listed building. Many of these dwellings feature a relatively contemporary appearance. Although the council's conservation officer has not commented on the proposals, it is considered that the proposed development for one dwelling would have an acceptable impact on the setting of Minerva Farmhouse, as to ensure that no harm would be caused.

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.

It is considered that the site could accommodate a dwelling that provides sufficient internal living space and sufficient external living space. For example, the indicative layout shows that a dwelling could be accommodate that features approximately 70sqm of gross external floorspace. For a single storey dwelling, the Nationally Described Space Standard ranges between 37sqm and 70sqm for a one-bedroom or two-bedroom dwelling. Therefore, a dwelling featuring one or two bedrooms could be accommodated.

Based on the indicative layout, the garden depth could range from approximately 9m up to 12m and the rear elevation of the dwelling is not likely to face directly onto habitable rooms in neighbouring properties. For example, the rear elevation on the indicative layout would face to the east where the rear gardens of 3 Willows Close and Willowcrofts.

There is approximately 23m between the southern elevation of The Meadows and the site boundary. This distance is considered to be sufficient to prevent an unacceptable degree of overlooking between the properties. Furthermore, The Meadows would retain ample garden space and as such, occupants would have sufficient opportunities for privacy within the garden.

The closest dwelling is 1 Willows Close, which is located to the south of the site. 1 Willows Close features a detached single storey bungalow which faces to the south-west, onto the junction between Low Gate and Willows Close. There is a conservatory on the north-western elevation of the dwelling. The north-eastern elevation of the dwelling faces partly towards the site. It is considered that the site could accommodate a dwelling that does not overshadow 1 Willows Close to an unacceptable degree, provided the dwelling is of a suitable scale. Furthermore, provided habitable room windows were carefully placed, there could be an acceptable relationship between the dwelling to prevent an unacceptable degree of overlooking. For example, habitable rooms windows should be avoided on the southern elevation as this would be closest to 1 Willows Close. The depth of the garden in 1 The Willows ranges from approximately 1m up to 7m from the site boundary. As such, the rear elevation of 1 The Willows face partly towards the site. 1 The Willows has some garden space to the side and front of the plot. The proposed dwelling could result in a loss of outlook from some of the windows at the rear of 1 The Willows. The rear elevation of 1 The Willows would nonetheless mostly look out towards its current rear garden. As such, any loss of outlook would not be considered to be so adverse to warrant refusing the current application.

One of the public representations has queried whether the pond next to the site will remain within the ownership of The Meadow. As the pond area is outside of the red line boundary, the ownership of this land is irrelevant to the determination of the current application.

Therefore, the site has the capacity to accommodate a design that would have an acceptable impact on the residential amenity of neighbouring dwellings and future occupants, in accordance with the provisions of the Section 12 of the NPPF 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.

Lincolnshire County Council's highways and sustainable drainage have reviewed the proposals and have confirmed the visibility splays for the proposed access appear to be acceptable. A condition has been recommended to ensure the splays are maintained. At the reserved matters stage, the proposed layout for the site will need to accommodate parking spaces for the proposed dwelling.

Therefore, the proposal would have an acceptable impact on highway safety in accordance with Policies 2, 3 and 36, and Section 9 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 site is located within Flood Zone 3. Policy 4 of the Local Plan sets out that development within Flood Zone 3 can be permitted in instances where specific criteria is met.

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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a hazard rating area. As such, the SFRA does not recommend any specific mitigation for the proposed dwelling.

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), within which section 3 sets out how the applicant considers that the proposed development passes the sequential and exception tests.

Large parts of the district of South Holland lie within Flood Zone 3. Therefore, it is necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The 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. Therefore, it is 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 development would make a contribution to 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. It is unclear if soakaways are feasible at this stage as the application is not accompanied by infiltration testing results. It would therefore be appropriate to include a condition requiring soakaways to be proposed. An alternative

drainage strategy would only be acceptable if soakaways are not feasible.

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'. As set out above, the SFRA does not recommend any specific flood risk in Flood Zone 3 in non-hazard areas. Notwithstanding this, the submitted FRA recommends that the finished floor levels of the dwelling are set 0.3m above the surrounding ground levels and that 0.3m of flood resilient construction is incorporated above the finished floor levels. As such, it is considered that the proposed development would meet the requirements of Paragraph 178, part b.

Therefore, it is considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity Net Gain

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"

Furthermore, 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."

The submitted Ecological Impact Assessment concludes that the site is unlikely to support protected species and that no further surveys are required to establish if there are protected specifies within site. The application is accompanied by a BNG Assessment which sets out that the proposal would need to provide 0.18 habitat units to provide at least a 10% net gain in biodiversity. The council's ecology officer has queried the BNG calculations as the officer considers that trees that have been removed since 2020 should be included within the baseline calculations. The applicant's agent has set out that the applicant's ecologist is updating the BNG calculations. It is not considered that the baseline calculations would be significantly altered as a result of including the trees within the baseline calculations. Furthermore, an updated BNG calculation can be submitted when an application is made to discharge a BNG pre-commencement condition.

Concerns have been raised within some of the public responses regarding the loss of mature trees from the site. One of the trees was subject to a Tree Preservation Order and this tree was removed as the tree was diseased. The LPA granted consent for the tree removal. The other trees within the site are not subject to a TPO and as such, planning permission is not required for their removal. Whilst trees are encouraged to be retained, there are potential opportunities to incorporate some planting into the site once the detailed design is advanced within any future reserved matters application.

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, 11, 17, 29, 30 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.