

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0266-24 **Applicant:** Mr & Mrs C Newman

Proposal: Erection of single storey detached dwelling with integral garaging and additional parking provision for existing dwelling (No. 1A Peterborough Road)

Location: Rear Of 1a Peterborough Road Crowland Peterborough

Terminal Date: 5th July 2024

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed and beautiful places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application on land to the rear of 1a Peterborough Road, Crowland for the erection of a single storey detached dwelling with integral garaging and additional parking provision for existing dwelling (No. 1A Peterborough Road). The proposal seeks to provide a bungalow that contains three bedrooms, an en-suite and a Jack and Jill en-suite. Also contained in the property is a walk-in wardrobe, utility, study, sitting room, an open plan snug, dining and kitchen area, as well as a garage. A raised patio is sited to the rear of the property and a raised verandah to the frontage.

A proposed 1.2 metre high timber post and rail fence is to be sited adjacent to the driveway with hedging behind. A 1.2 metre high post and rail fence with hedging set inside is also positioned along the site frontage. Two parking spaces are to be sited on the frontage for 1a Peterborough Road with four spaces for the new dwelling. The dwelling is to be sited 0.8 metres above ground level at the deepest part of the site.

Proposed materials of construction are TBS Shelford Multi Creams facing bricks and Calderdale Slate Grey concrete tiles.

A site visit was conducted on Wednesday the 3rd of April 2024.

An amendment was registered on the 22nd of May 2024 to remove the utility room door, revise finished floor levels, reduce the roof pitch and update the Flood Risk Assessment.

SITE DESCRIPTION

The site is located in the defined settlement limits of Crowland on garden land within the ownership of 1a Peterborough Road. 77, 79, 81 and 83 Peterborough Road are located beyond the northern side boundary. 2 and 4 Stricklands Drive are located to the western rear of the site. Two detached garden plots are located to the southern side boundary, with 85 Broadway, 1a Peterborough Road, 1 and 3 Peterborough Road located beyond the eastern frontage boundary on the opposite side of the shared private access road to the site. A curtilage shed and glasshouse will be removed to facilitate the development.

The northern site boundary is bordered by a fence with 83 Peterborough Road, hedging with 81 Peterborough Road, fencing with 79 Peterborough Road, and the side elevation brick wall of a garage forms the boundary with 77 Peterborough Road. Fences form the western boundaries with 2 and 4 Stricklands Drive. The southern boundary to adjacent detached gardens is open, with an open boundary to the site frontage.

The site is located in Environment Agency Flood Zone 1, and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre close to the southern boundary. Surface water is to be addressed by a soakaway, with foul water to connect to the existing Anglian Water foul sewer nearby.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 2nd April 2024 and 23rd April 2024)

North Level Internal Drainage Board - 12th April 2024

No objections - *"The Board has noted that soakaways are indicated as the preferred method of surface water disposal and the applicant is asked to show that soakaway drainage would be effective."*

Lincolnshire County Council - Historic Environment Officer - 17th April 2024

"Having reviewed the application documents and the available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application."

South Holland District Council - Environmental Protection - 22nd April 2024

"No comments."

Crowland Parish Council - 23rd April 2024

No objections - *"CPC are pleased to see the proposal for a quality building on unused wasteland."*

Environment Agency - 24th April 2024

Objection - *"We object to the proposed development, which is not currently in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036, for the following reasons:*
1. *The flood risk assessment (FRA) submitted is not compliant with the requirements of the National Planning Policy Framework and its supporting guidance.*
2. *The proposed development involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer."*

Lincolnshire County Council - Highways & SUDS Officer - 24th April 2024

No objections. A standard utilities informative is requested.

"Erection of a single storey detached dwelling with integral garaging and additional parking provision for existing dwelling (No. 1A Peterborough Road). The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. The plot would be served by a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on Adopted Peterborough Road and its junction with the private drive. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users. Vehicles will emerge into the highway with care, it is on a bend and vehicle speeds will be low. The precedent has already been set here historically."

"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."

Responses Received following Re-consultation (Consultation period between 23rd May 2024 and 3rd June 2024)

North Level Internal Drainage Board - 31st May 2024

"Please note that North Level District Internal Drainage Board have no further comment to add and previous comments still stand."

Lincolnshire County Council - Historic Environmental Officer - 3rd June 2024

"Having reviewed the updated application documents and the available Historic Environment information for this application, the proposal is still unlikely to have an impact on significant archaeological remains. Consequently, we reiterate our previous advice: no further archaeological input is necessary for this application."

Environment Agency - 13th June 2024

We have reviewed the amended plans and consider that they satisfactorily address our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection dated 23 April 2024, in relation to flood risk and foul drainage.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) dated 07 May 2024, ref: '1a Peterborough Road', prepared by SM Hemmings and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.1 metres above Ordnance Datum (mAOD)*
- Flood resilience and resistance measures to be incorporated into the proposed development as stated to a level no lower than 3.4 mAOD*

These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, one letter of representation have been received.

This can be summarised as:

To provide mains sewerage the applicant would have to dig up the access road which is the sole means of access to the some properties. This would also mean no emergency services access.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Highway Safety and Parking
Flooding Considerations / Drainage
Biodiversity and landscaping
Outstanding matters from representation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

Principle of Development and Sustainability

To support the Government's objective of significantly boosting the supply of homes, paragraph 60 of the National Planning Policy Framework (2023) details that "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".

In identifying land for homes, paragraph 70 of the National Planning Policy Framework also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements, detailing that "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".

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 in terms of sustainability.

Crowland is designated as a Main Service Centre in the settlement hierarchy. The relevant assessment criteria states: "Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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."

When assessed against the relevant criteria the following can be observed:

The dwelling would help support Crowland's role as a service centre and sustain the existing facilities of the settlement. The proposal is for residential development on residential land with residential uses in all directions of the proposal site.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed 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, contained within Section 12 of the National Planning Policy Framework (December 2023), 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.

Development proposals should also ensure that developments 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 South East Lincolnshire 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 National Planning Policy Framework, 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. These policies accord with the provisions of the National Planning Policy Framework 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 layout of the site is such that the frontage of the dwelling faces the shared private road to the east of the site. Parking for the dwelling as well as 1a Peterborough Road is sited at the site frontage. The garage element of the proposal is sited 0.9 metres from the north boundary with the side elevation wall of the dwelling 2.3 metres from the north boundary. The southern side elevation of the dwelling is 3.15 metres from the boundary. The rear of the dwelling is 35 metres from the western boundary.

There is no defined built character to the surrounding dwellings. Proposed materials of construction

are TBS Shelford Multi Creams facing bricks and Calderdale Slate Grey concrete tiles. These materials are not considered to materially impact the character of the dwelling or the surrounding area.

To successfully address flood risk the finished floor levels of the dwelling must be raised 1 metre above ground level. The submitted elevational drawings show finished floor levels of 0.79 metres. The Environment Agency has no objections to the proposed finished floor level height of 0.79 metres. There are other dwellings in the vicinity of the site that also have raised finished floor levels to address flood risk. 85 Broadway approved under reference H02-0187-18 has finished floor levels 500mm above ground level.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. 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 South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The dwelling will be raised 0.79 metres above ground level to address flood risk. The garage element of the proposal is sited 0.9 metres from the north boundary with the side elevation wall of the dwelling 2.3 metres from the north boundary. The southern side elevation of the dwelling is 3.15 metres from the boundary. The rear of the dwelling is 35 metres from the western boundary.

The proposal is not considered to constitute overdevelopment. The footprint of the dwelling is larger than that of surrounding dwellings, however, this dwelling is single storey, and the majority of nearby dwellings are two storey developments. Additionally, the dwelling is afforded a sizeable rear garden.

There is not considered to be a material overshadowing impact when loss of light lines are drawn. There will be a degree of light loss to the rear amenity area of 83 Peterborough Road beyond the 2.2 metre high boundary fence. The separation distance of between 5.5 metres to 7 metres to the rear single storey extension of 83 Peterborough Road means that there will not be a material loss of light to the dwelling itself. The closest separation distance between the proposed dwelling and 81 Peterborough Road is 10 metres so this property will not be impacted beyond the 3.3 metre high hedging by a material overshadowing impact when right to light lines are drawn. As the sun traverses the sky east to west on a southerly trajectory, the land to the south is not impact by a loss of light.

There is considered to be a material overlooking impact from the proposed utility room on the northern elevation facing 81 and 83 Broadway. The proposed finished floor levels are currently set at 0.79 metres above ground level. The proposed utility window is located partially above the 2.2 metre high boundary fence and would directly face the rear elevation extension windows of 83 Broadway approved under H02-0525-22. The overlooked windows serve a wc, utility and a dining room. There is no fenestration currently facing these windows. Therefore, there is a new, material overlooking impact on 83 Broadway.

Following conversations with the agent, to address overlooking from the utility window, the applicant would accept a condition to make this window obscure glazed. This is considered to remove the material overlooking impact.

The study window on the northern side elevation of the proposed dwelling faces 81 Broadway. The boundary with 81 Broadway is bordered by a 3.3 metre high hedge. This hedging has restricts views into the rear of the site and is considered to remove a potential overlooking impact from the study

window.

There is not considered to be an overlooking impact to or from 1a Peterborough Road due to the 27 metre separation distance at the nearest point.

As detailed above, when the obscure glazed utility room window condition is added, the scale and design of the proposal is considered to be such that there would not be a significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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 would be severe".

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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

There are to be 6 off road parking spaces with cycle storage provision in the garage. Four off road parking spaces will be provided for the new dwelling with two spaces for 1a Peterborough Road on the opposite side of the private access road. There is ample space for manoeuvring and the amount of parking provision accords with Appendix 6 of the SELLP.

There is ample space on site for refuse storage. On the day of collection, refuse bags will be placed adjacent to Broadway as per the refuse bags for 1a Peterborough Road. The dwelling is located less than 30 metres from the junction of the private road and Broadway. Therefore, the proposed method of collection is in accordance with the Private Drives - Waste Vehicle Collection Service document produced by the SHDC Environmental Services department.

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 National Planning Policy Framework (December 2023).

Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (December 2023) 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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "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", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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 site lies within Flood Zone 1 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 South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is located in Environment Agency Flood Zone 1, and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre close to the southern boundary. Surface water is to be addressed by a soakaway, with foul water to be addressed by connection to existing foul water drainage pipes along Broadway.

A member of the public objection states that to provide mains sewerage the applicant would have to dig up the access road which is the sole means of access to the some properties. This would also mean no emergency services access.

The proposal did originally proposed a package treatment plant for foul water, however, an Environment Agency consultation response stated:

"The proposed development involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to connect to a public sewer, but insufficient justification has been provided for the use of a non-mains system. The nearest Anglian Water sewer network can be found less than 30 metres from the boundary of the proposed site."

"This objection is supported by planning practice guidance on non-mains drainage, which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer (ref ID 34-020-20140306). Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered."

"Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems. We regard the connection to the foul sewer to be the best environmental option in the long term."

"To overcome our objection the applicant should thoroughly investigate the possibility of connecting to the public foul sewer, and either revise their application to propose a mains connection or submit evidence that demonstrates that this is not feasible. If the customer believes they can provide evidence that connecting to the foul sewer is not feasible, we recommend that they submit a fully completed FDA1 Foul Drainage Assessment form to us for review."

"Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a development to install a private sewerage system. In such cases the developer should explore how a lack of capacity may be overcome so that their development can be connected to a public foul sewer. In these cases, if an applicant decides to apply for a water discharge permit for private treatment facilities, we are likely to refuse to grant the permit."

Following an amendment by the applicant, connection to the existing foul water drainage is proposed. The Environment Agency has removed it's objection to the proposed foul water drainage provision.

A search on the DigDat mapping system confirms the objectors observations, and would require the

digging up of the private road to gain access to foul water sewerage drains. Whilst this would prevent vehicular access and create significant disruption during the construction process, this does not carry material planning weight during the assessment of the application.

To successfully address flood risk the finished floor levels of the dwelling must be raised 1 metre above ground level. The submitted elevational drawings show finished floor levels of 0.79 metres. The proposed finished floor levels disregard the recommendation of the Flood Risk Consultant S M Hemmings who was employed by the applicant, and recommends finished floor levels between 0.9 metres to 1 metre above ground level. However, the Environment Agency has no objection to the proposed finished floor level and have requested a condition that finished floor levels are set at 3.1mAOD with a further 300mm of flood resistant and resilient construction.

Overall, as the proposal is considered to adequately address flood risk, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2023).

Biodiversity and landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

As the proposal is a minor application there is a requirement to demonstrate a biodiversity net gain of 10% from the 2nd of April 2024. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after the 2nd of April 2024 this is not a requirement for this application. This is due to the application being accepted on the 25th of March 2024. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This can be achieved via a number of measures such as ponds, and hedge / tree planting.

A biodiversity condition will need to be added to the decision notice to ensure that the site can satisfactorily demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

Outstanding matters from representation

None

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 is considered to represent appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character and appearance of the locality, as well as the amenity of nearby residents. The proposed chalet bungalow therefore conforms with the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning policy Framework, December 2023

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.

CONCLUSION

Taking into consideration these factors, the proposal is not considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 5, 12 and 14 contained within the National Planning Policy Framework (NPPF) (December 2023). Despite the concerns raised, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is 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.

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.