

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0715-24 **Applicant:** Mr I Collins
Proposal: Erection of detached dwelling
Location: Rear Of 60 Peterborough Road Crowland Peterborough
Terminal Date: 30th October 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
11	Distribution of New Housing
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36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful 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	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal comprises an outline application with one matter reserved, for the erection of a detached dwelling in the garden of 60 Peterborough Road. This outline application seeks approval for the following matters as part of this outline application: Access, Appearance, Layout and Scale. As such, Landscaping is single remaining matter reserved for later approval.

The site is to the rear of 60 Peterborough Road, which is a long and narrow plot with a bungalow in the centre and a detached rear garage. The proposal sub-divides the plot in two, thereby proposing two dwellings facing each other. Access to the proposed new dwelling is off James Road.

The design and access statement says that the development is a two bedroom chalet bungalow; the plans depict a dwelling with living accommodation at ground floor with rooms in the roof.

The dimensions of the dwelling are: 11.34m long x 10.9m wide.

The lounge is 8m long. At first floor, the dimensions are 8.66m x 10.90m wide. Height to the ridge is 6.12m high.

Site Description

The site is within the settlement boundary of Crowland which is a Main Service Centre. The application premises is a long and narrow plot which has boundaries along both James Road and Peterborough Road. The current dwelling on the site is a long, narrow bungalow. A rear shed exists in the garden in addition. The character of the area is one of predominantly housing but a former petrol filling station exists on the corner of Peterborough Road and James Road.

An IDB drain exists between the boundary of the application site fronting James Road, with a narrow landscaped verge, adjacent to the public highway. There are currently no access points along James Road, although planning permission exists for two access points to larger developments further along James Road, one of which is an allocation.

Properties 62 to 42 Peterborough Road are typically single or semi detached dwellings on narrow sites, some two storey, some single storey, set at an angle, with a generous frontages that are well landscaped, so are set back along Peterborough Road. The exception of this is number 58 Peterborough Road adjoining the application site, which has a dwelling in the former garden of 56 Peterborough Road, approved in 2003. The prevailing character of dwellings on the south side of Peterborough Road is that of set back, detached dwellings on long but narrow plots at the present time. Properties northwards of 54 Peterborough Road have the same angled gardens but behind them is a section of open ground adjoining James Road; this has planning permission for development but is as yet unimplemented.

History

History from Adjoining sites

56 Peterborough Road

H02-1120-04 - Demolish existing dwelling and erect two new dwellings. Refused. 13 October 2004. Appeal dismissed 15 June 2005.

H02-0180-06 -Outline - Demolition of existing dwelling and erection of two new dwellings. Refused 28 February 2006. Appeal Dismissed 26 September 2006.

To the rear of 56 Peterborough Road

H02-0787-80 - incomplete record

H02-1674-88 - incomplete record.

H02-0006-92 - Residential development (renewal of outline planning permission H02-01674-88. Approved 12. 02.92.

H02-0001-95 - Residential development (renewal of H02-0006-92). Approved 08.02.95.

H02-0020-98 - Residential development (renewal of application H02-0001-95). Approved 23.02.98.

H02-0020-01 - Residential development (outline) (renewal of H02-0020-98). Approved 21.02.01.

H02-0514-03 - Plot adjoining 60 Peterborough Road - Erection of Bungalow (Outline reference H02-0028-01). Approved 20.06.2003.

62 Peterborough Road

H02-0765-13 - Demolition of existing dwelling and garage and erection of two 2 bed dwellings, one 4 bed dwelling and two 3 bed dwellings. Approved 02.12.2013. Not implemented.

H02-0985-16 - Two-storey side extension, porch/entrance to front and detached double garage. Approved 3.11.2016.

H02-0535-19 - Two-storey side extension, porch/entrance to front and detached double garage - previously approved under H02-0985-16. Approved 08.07.2019.

H02-0388-20 - Proposed 2 dormer windows to front elevation and 1 dormer window to rear elevation - re-submission of H02-0535-19. Approved 7.7.2020.

Crowland Car Wash, Unit 4, 64 Peterborough Road, Crowland

H02-0926-21 - Outline - Residential development of up to 10 dwellings including new access. Approved 25. 11.2021. Reserved Matters not submitted at the time of writing.

Further along James Road

H02-1006-21 - Erection of 42 dwellings with associated parking, garages, roads and sewers. Approved 3 October 2023.

H02-1050-23 - Details of surface water drainage, construction management plan & method statement, estate road phasing, site & floor levels, contamination of land or pollution of controlled waters, verification report of contamination of land or pollution of controlled waters, management & maintenance schedule, landscaping & tree planting, boundary treatments, external boxes for gas and electricity supplies, Preliminary Ecological Appraisal, swift nest bricks & water consumption (Conditions 4, 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19 ,20, 21 of H02-1006-21). Approved 19.04.24.

H02-0696-22 - Residential Development of 41 dwellings, new site access, internal roads, footpath links and landscaping. Approved 9.10.23.

H02-0064-21 - Full - Demolition of existing dwellings and erection of 41 dwellings, new site access, internal roads, and landscaping. Approved 1.2.2022.

Consultation Responses

Environment Agency

No objection subject to a condition:

"The dwelling shall have a minimum of two storeys, with a finished floor level set no lower than 1.0 metre above the existing ground level. Flood resilient construction shall be to a height of 300mm above the predicted flood depth and demountable defences shall be incorporated to a height of 600mm above the floor level.

Reason To reduce the risk of flooding in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036."

Notes on flood risk assessment (FRA)

The submitted FRA states that the existing ground levels at the site are between 0.79 metre above Ordnance Datum (mAOD) and 0.94 mAOD. In the conclusion of the FRA, it is stated 'The current existing finished floor level of the existing bungalow at No. 60 is 10.35m. The finished floor level of the proposed dwelling will therefore be set at 11.35m'. Clarification should be provided, to confirm the FFL of the proposed dwelling in metres AOD.

Sequential test

As you will be aware, in accordance with Paragraph 168 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and the sequential test establishes if this is the case.

Where the sequential test has to be applied, it is for you as Local Planning Authority to determine an appropriate area of search and whether the test is passed.

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

LCC Historic Environment

Thank you for consulting us on this. Having reviewed the application documents and the updated 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. It is not necessary to consult us on this application again, unless there are material changes to the proposals.

Lead Local Flood and Highway Authority

We would not allow individual access points onto James Road - there is no footway connection into the Village. Access should be from the existing access on Peterborough Road. The access would need upgrading to 4.1m wide for the 10m and there after it shall measure 3.7m wide.

SHDC Environmental Protection

No comments.

North Level Internal Drainage Board

No objections.

Formal land drainage consent will be required to alter the watercourse for a new access off James Road.

Crowland Parish Council

Concerns with regard to the access and egress of vehicles onto James Road and the adjacent junction. Approval would also set a precedent for similar applications.

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.

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 (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, being 6.4 years as at 31 March 2024.

Principle of Development and Sustainability

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates 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. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, 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 and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) 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 policy 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.

The application site in this instance is within Crowland, a Main Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

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 residential amenities of neighbouring occupiers, impact on highway safety and flood risk, 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 and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, 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 design and access statement describes a two bedroom chalet bungalow. The Environment Agency does not object to the proposal as long as the development is 2 stories due to flood risk. It should be noted that the existing property on the original plot is a bungalow, so the new dwelling would be larger in comparison with the host dwelling, which is within the blue line of the application site. There is confusion within the information associated with the finished floor level of the proposal contained within the Flood Risk Assessment, given that floor levels in that document were set at 11.35m. Clarification has been sought from the agent, that the the finished floor level of the dwelling would be 1 metre above surrounding ground levels. This accords with the response from the Environment Agency, who said it would need to have a 1m finished floor level to mitigate flood resilience. This would make the structure taller, and higher than number 60 Peterborough Road.

The design and access statement refers to an approval of up to 10 dwellings on a nearby site (which was not a major development due to an existing dwelling on site) on the corner of 64

Peterborough Road and James Road as part of H02-0926-21 which was approved on the 25 November 2021. At the time of writing, no reserved matters have been submitted. The outline is therefore at risk of lapsing on the 25 November 2024. The position of the dwellings was reserved, and therefore the submitted plans were indicative only. It is not considered that this sets any form of precedent to allow the current proposal to be established as a dwelling closer to James Road - it is set well behind the main building line of dwellings along Peterborough Road that display a similar character in age and design terms,, situated between outbuildings, with the exception of a property at 58 Peterborough road which is discussed in the following paragraphs.

A key characteristic of the dwellings along this side and section of Peterborough Road is the angled, long narrow plots, mainly with single detached or semi detached dwellings, set centrally within their boundaries, significantly set back from the Peterborough road frontage, with generous front gardens. Vehicular and pedestrian access is from Peterborough Road, not James Road. Garden structures such as sheds and some garages are set further back in the rear gardens, however the main dwellings generally form a consistent but staggered building line in a set back position facing Peterborough Road. Contrasting to this, northwards of number 54 Peterborough Road at the rear of the historic building pattern is a section of open ground, shortening the rear gardens in this location. Whilst undeveloped at present, there is an extant permission for 42 dwellings which comprise of a typical modern housing estate, that is served by a single access point off James Road. James Road is not accessed by pedestrians as there is no footway, and even with this approval, vehicular access points are limited.

The current proposal cuts in half the traditional long, narrow plot that borders both Peterborough Road and James Road. The resulting rear garden of the proposed dwelling would be 5.17m within the sub-divided plot, producing a rear garden of 7.61m for 60 Peterborough Road. The dwelling would face James Road with the rear aspect facing 60 Peterborough Road. The facing distance between the existing and proposed dwelling would be 12.62m. This would be a cramped form of development, with much reduced amenity space for both properties. It is accepted that 58 Peterborough Road is 'backland' development, but that was approved 21 years ago when the National Planning Policy Framework did not exist, nor was the SELLP in place. This newer policy framework, together with the National Design Guide/Code, collectively has an increased emphasis upon design.

Breaking up the long narrow plot, creates a development which is out of keeping and out of character of the prevailing development in the immediate vicinity. Creating an access onto James Road is also a new, discordant feature in terms of the character of the group of similar dwellings, as is the facing of the dwelling onto James Road. It is accepted that newer development behind 54 Peterborough Road would represents a change to that particular location by infilling the currently open ground, but that development is distinct and in design terms is arranged around its single access point. It is not considered that that development is comparable in design and character terms with the current application, particularly as the current proposal relates to sub-dividing a historical plot which retains the centrally positioned single storey dwelling. The current application site is part of a historical pattern which is distinct from the more recently approved scheme.

It is noted in the planning history that whilst 58 Peterborough Road was successful in obtaining planning permission to the rear of prevailing development, two other attempts to the rear of 56 Peterborough Road were refused and both were dismissed at appeal under references H02-0180-06 and H02-1120-04. In both appeals, the Inspector noted that plots in this area are limited in width, and development would appear cramped and incongruous, and that development would have a significant adverse effect on the character and appearance of the locality, together with overlooking, loss of privacy and outlook. The Inspectors concluded that the overriding character of the area is one of spacious frontage development and this character would be eroded by the appeal proposal. The subdivision of the long spacious historical plot, which forms part of this application is considered to similarly erode the pattern of development along Peterborough Road. and would appear incongruous. Even allowing for the existence of the outline approval at 64 Peterborough Road, and application H02-1006-21 which has access off James Road, the introduction of a further dwelling in this location is still considered to be out of character and cramped in terms of its built form.

The existence of the historical approval at 58 Peterborough road was approved 21 years ago and is not considered relevant to the current policy context. The more recent approval of H02-1002-21 and the outline approval at 64 Peterborough Road are planned estates of a modern design which have different design parameters compared with historical design patterns. Each case has to be determined on its own merits and in the current case the circumstances are different.

Taking into account the relationship with the position of the plot itself set behind Peterborough Road and the historical pattern of narrow angled plots along Peterborough Road, it is considered that the proposed dwelling is incongruous, out of character and out of keeping with the pattern of development in the vicinity and as such conflicts with Policies 2 and 3 of the SELLP.

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 position of the proposed dwelling is situated within the rear amenity space of the existing single storey bungalow, the majority of its amenity space will be lost. Number 60 is sat centrally on the long narrow original plot. The existing dwelling is a bungalow with a detached double garage in the garden. Rear patio doors face the application premises and a flat roof canopy structure is located at the rear, providing a covered area. The position of the new dwelling significantly reduces the usable amenity space to the original dwelling.

The dwelling also creates a new building line at the rear of plots along Peterborough Road, which is incongruous and out of keeping. It is also taller than number 60, and in close proximity. It is considered in terms of outlook, size and bulk, the rear outlook of number 60 would be dominated by the structure itself. In terms of privacy, the two dwellings would directly face each other offering virtually no privacy.

Number 58 Peterborough Road is a backland dwelling and has amenity areas immediately adjacent to the boundary fence between it and the application premises. It has rear facing windows and their amenity area is parallel to where the proposed dwelling is located in the plot. The rearward extent of 58 Peterborough Road has not been shown on the plans. The proposed dwelling would be set in approximately 1.2 metres from the boundary. No attempt has been made to set in the dwelling from the boundary to give space to number 58. It is accepted that the plans have no flank windows, but its position and proximity means it will result in loss of residential amenity, outlook and privacy to both number 58 and number 60 Peterborough Road.

The rearmost part of the proposed dwelling would be 12.62m from the rear most part of number 60. This is considered to be an insufficient separation distance between the two properties, particularly as the proposed dwelling has to be two stories due to flood risk. As both properties have rear windows that would face each other, this will result in the loss of privacy and residential amenity for both existing and future occupiers. The rearmost part of the dwelling would be 5.17m from the rear of number 60's double garage. The rear garden of the proposed dwelling from the rearward part of the property would be 5.17m. The flank of the proposed dwelling would be set in 1.27m from number 58 Peterborough Road. This demonstrates the cramped nature of the development that would adversely affect amenity.

As detailed above, the scale and design of the proposal is considered to be such that there would be significant and unacceptable impacts on the residential amenities of the occupiers of adjacent properties, and future occupiers. As such the proposal is considered to be contrary 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.

Further, 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.

The proposal seeks access onto James Road, over the top of an IDB drain, and proposes a gravelled area in front of the property which would face James Road. The layout shows two car parking spaces. As the dwelling contains two bedrooms the proposal is capable of meeting the car parking standards in Appendix 6 of the SELLP. No provision for cycle parking is shown, but it is expected that had the proposal been otherwise acceptable, a condition requiring the installation of a cycle rack on the exterior of the dwelling prior to occupation would satisfy the cycle parking requirement.

The Local Highway Authority have stated that they would not allow access onto James Road unless a pedestrian access from the proposed dwelling to Peterborough Road can be achieved since James Road has no footway access to the village. This would necessitate changing the red line boundary, investigating if a footpath, of sufficient width, whilst accommodating the vehicular access requirements of number 60 would be feasible, and requiring amended plans. Had the proposal had been otherwise acceptable, this option would have been considered, but having regard to other matters, the application will be determined on its merits as submitted.

It is not thought that in highway terms there would be an unacceptable impact on highway safety or the highway network in accordance with Policy 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

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 Zone3 of the Environment Agency's Flood Maps, with a high probability of flooding. 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 SFRA Map Present Day 2116 Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site is in the 'Danger for Most' area. The site is also in the 'Danger for Most' area. The Peak Depth Map for the 1% fluvial and 0.5% tidal event is between 0.25m and 0.5m. The peak flood depth is between 0.5m and 1.0m.

Housing is in the more vulnerable category in Appendix 3 of the Flood risk vulnerability classification. The River Welland has defences that provide protection during the 0.5% annual probability (1 in 200 chance each year) event including climate change. This lowers the chance of flooding for the site.

It is noted that the Environment Agency do not object to the proposals as long as a condition is imposed to ensure that the finished floor levels would be set 1 metre higher than existing ground area. This gives an indicative height of the top of the ridge being in the region of 7.1 metres. Since this is in close proximity to both 58 and 60 Peterborough Road, the flood attenuation measures worsen the impact on amenity, especially as both neighbouring properties are single storey.

Overall, when considering the development, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policy 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Impacts of Climate Change

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'.

Whilst it is recognised that mandatory Biodiversity Net Gain would not be required for this proposal due to the applicant stating that the property would be a self build, the proposal removes a significant amount of green/amenity space from the plot and replaces it with either built form or gravel. Biodiversity net gain policies pre-existed mandatory BNG requirements, as did policy 31 of the SELLP which also relates to Biodiversity. The subdivision of the historical plot and the increased built form fail to incorporate measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity, as required by Policy 28 of the South East Lincolnshire Local Plan, 2019 which seeks to improve the resilience of ecosystems within and beyond the site.

As such, it fails to demonstrate that the consequences of climate change have been addressed, by minimising or mitigating climate change and biodiversity measures, and is thereby contrary to Policy 31 of the South East Lincolnshire Local Plan, 2019. The proposal conflicts with Paragraph 135 (f) of the National Planning Policy Framework, December 2023, which states that developments should "create places that are safe, inclusive and accessible and which promote health and wellbeing", and policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 due to it representing design inappropriate to the local area, failing to maximise opportunities for improving character and quality, residential amenity, new landscaping to enhance biodiversity and green infrastructure.

Taking the above into account it is considered, the proposal would therefore not be in accordance with Policy 28 or 31 of the South East Lincolnshire Local Plan and Sections 14 and 15 of the National Planning Policy Framework (December 2023).

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 materially harms the character and appearance of the locality, the amenity of nearby residents, is incongruent and out of character, and does not adequately address biodiversity or the impacts of climate change. Whilst it provides adequate parking, it introduces a new access onto

James road which out of character. The proposal is contrary to the Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is to refuse planning permission.

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.