

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-1041-24 **Applicant:** Mr J Munton
Proposal: Proposed Single Storey Dwelling
Location: Land Adjacent To 2 Beekens Yard Crowland
Terminal Date: 14th March 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
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic 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

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a 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
Section 16 - Conserving and enhancing the historic environment

National Guidance

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

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission (all matters reserved) for residential development on land adjacent at 2 Beekens Yard, Crowland. The indicative layout shows one dwelling within the site, with a front driveway and garden space and the front of the dwelling.

Site Description

The site is located within the settlement boundary of Crowland, as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

The site comprises land which is located to the west of 2 Beekens Yard, and to the east of 15 and 17 North Street. The site therefore comprises a backland plot as it is surrounded by development.

The site is within Crowland Conservation Area, however, the building within the site is not listed.

Relevant Planning History

H02-0185-80: (Outline Application) Residential development on land at rear of Nos 9, 11, 13 and 19 North Street, Crowland - approved 17 June 1980 (reserved matters approved 16 September 1981)

The following applications overlap with the site access and relate to land opposite the site:

H02-1304-07: (Full Application) Proposed pair of two-bed semi-detached dwellings - withdrawn 06 November 2007

H02-0469-08: (Full Application) Proposed pair of semi-detached dwellings - approved 16 July 2008

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

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: No objections. Beekens Yard is 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 Road of Cluttons Close and its junction with Kemp Street. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users.

Conservation Officer: As the proposal is only outline at this time, and no indicative elevations have been supplied, I cannot comment on the impact of the design. However, the principle of residential use in this setting does not harm the historic environment. The applicant should, however, be aware of the fact that the success of the reserved matters stage shall be heavily contingent upon an awareness of the site's central conservation area location and proximity to a number of locally important heritage buildings, and a commensurate understanding of the need for historic environment-appropriate design and material quality.

Environmental Protection: No comments regarding land contamination and environmental protection.

Crowland Parish Council: No objections.

Ecology Officer: No response received.

Cllr B Alcock: No response received.

Cllr J R Astill: No response received.

Cllr A Harrison: No response received.

North Level Drainage Board: No objections. It has been 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.

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, two letters of representation have been received. One of the representations was received after the consultation period expired, however, the representations are both summarised below:

-The building is proposed to be built on the boundary, however I would like reassurance that the foundations and structure will not encroach upon my property i.e. foundations, guttering and roof overhang etc. Therefore, we request that the property is moved a meter from the boundary which would be fenced allowing the building to be built within their boundary. Also providing rear access to maintain their property regularly. Although this will be a new building general repairs, upkeep and maintenance will be required.

-Rear access would provide another exit, a safer option in case of an emergency such as fire. As the current building is incredibly old the foundations are not in our boundary and run directly below the wall of the building.

-Modern foundations are somewhat wider and we request that this is taken into consideration when building the new structure and all new foundations are within the owners boundary and not built into our garden. This would also allow for roof and gutter overhang and any such fixtures preventing trespassing into our boundary. Please can the person in charge of this project give assurances with regard to this issue.

-We expect that all reasonable measures will be taken by the contractors to ensure no damage to our fence. When the building is removed our garden will be open to a public right of way which has pedestrian and vehicular access. We are concerned that the safety, security and privacy is maintained throughout the process.

-Please can the owners give reasonable notice of the building work and any access they may require, so this can be considered.

-Support the application in principle but have concerns over the current condition of the surface approaching this site as it will make it worse and needs to be improved after. The surface in question here is used by pedestrians to access the school and vehicles which use the businesses in

Cluttons Close (This is a short cut) have destroyed the surface over time. However this is believed to be a private property. There are large puddles highlighting the current condition.

Key Planning Considerations

Development Plan

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

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

The policies and provisions set out in the National Planning Policy Framework, 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;
- Visual and Heritage Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity; and
- Flood Risk.

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 settlement boundary of Crowland which is a Main Service Centre. Policy 1 sets out that within this type of settlement, 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. As the proposal is for a minor residential development, the scale of the development is acceptable in principle. It is however necessary to assess the proposed development against other relevant materials considerations.

Visual, Heritage and Amenity 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. Paragraph 135 also 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.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development

attributes of all development proposals. Furthermore, Policy 3 of the Local Plan 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. Policies 2 and 3 also set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is within Crowland Conservation Area, however, there are no listed buildings on or next to the site. Policy 29 of the Local Plan sets out that distinctive elements of the historic environment will be conserved and, where appropriate enhanced. Part B of the policy requires proposals within a Conservation Area to preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Section 16 of the NPPF is also relevant as this section relates to the assessment of proposals which affect designated heritage assets such as Conservation Areas.

The site comprises an infill plot located to the west of 2 Beekens Yard, and to the east of 15 and 17 North Street. The nearest dwellings include a mixture of housing types and sizes, and their positioning within their plots also varies. 2 Beekens Yard for instance is a single storey bungalow with a gable end roof form. To the east, 15 and 17 North Street are set within a terrace of properties that front North Street. 1 and 3 Beekens Yard are semi-detached 1.5 storey bungalows, located to the south of the site.

An indicative site layout plan has been provided shows one dwelling within the site, with a front driveway and garden space at the front of the dwelling. All matters are reserved, however, it is necessary to assess whether the site has the capacity to accommodate a suitable design. Furthermore, as the site is within Crowland Conservation Area it is therefore necessary to consider whether the proposed development would have an acceptable impact in terms of this heritage asset. The council's conservation officer has not raised any objections in principle, however, the officer has set out within their response that any reserved matters application would need to carefully consider the impact of the proposals on the Conservation Area.

According to the indicative layout, the proposed dwelling would be located on a similar footprint as the existing building, set towards the rear of the site and next to the site boundaries. The proposed dwelling would likely project further forward to provide sufficient internal living space. Whilst there is an existing building within the site, the proposed development would alter the character and use of the site by providing a dwelling, increasing the comings and goings to the site. The site currently appears to be used as a garage / storage building for 2 Beekens Yard and potentially provides room for off road parking.

The proposed layout is cramped as there would be no rear garden, only an area at the front of the dwelling for outdoor amenity space. It is considered that insufficient outdoor amenity space is proposed, and the space would likely be overlooked due to its potential positioning at the front of the dwelling. If a tall boundary treatment was proposed to provide more privacy, this would likely negatively affect the street scene as most of the boundary treatments are relatively low and open. If positioned at the rear of the site, it is unlikely that the space would receive sufficient daylight which would reduce its quality.

The indicative plans show that the internal floorspace would measure approximately 37sqm of internal floorspace. Although there are no specific local policies which require a certain amount of internal living space, the proposed amount of 37sqm would accord with the nationally described space standard (NDSS). This is however the minimum requirement for a 1-bedroom 1-person dwelling with a shower room. In order to accord with the NDSS, the proposed layout compromises on other design factors such as not providing sufficient outdoor amenity space or a suitable outlook within the dwelling. It is considered that alternative layouts would result in similar design concerns due to the small size of the site.

The indicative layout shows how the dwelling would need to be located adjacent to the site boundaries. No windows are proposed on the northern or western elevations other than a small bathroom window. Whilst this is only indicative, it is likely that either no windows could be accommodated on these elevations, or only small windows which would have a poor outlook due to the small size of the site. Windows would therefore need to be provided on the eastern and southern elevations to provide an outlook for future occupants. Due to the proximity of the western elevation of 2 Beekens Yard which features various windows, the proposed dwelling would likely result in an unacceptable degree of overlooking with 2 Beekens Yard. This would negatively impact

the amenity of occupants within 2 Beekens Yard and potential future occupants of the dwelling.

The exact height and scale of the proposed dwelling are not yet confirmed as the application is in outline form only. However, the proposed dwelling would likely result in the loss of some light to 2 Beekens Yard, which is located to the east of the site. This is due to the proximity of the site to the western elevation of 2 Beekens Yard which is approximately 4m from the shared boundary.

Whilst there is no strict uniformity in terms of the surrounding plot layouts, the proposed dwelling and its associated outdoor amenity space would result in a cramped form of development. The proposed development would therefore represent an overdevelopment of the site due to an overly cramped layout which would not be conducive to a high-quality standard of living for future occupants and the neighbouring property of 2 Beekens Yard. Although all matters are reserved, it is considered that a suitable design cannot be accommodated. As such, the proposed development would not accord with Policies 2 and 3 of the Local Plan and Sections 11 and 12 of the NPPF.

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 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

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

Lincolnshire County Council's highways team has reviewed the proposals and have set out that they have no objections. The indicative layout shows that there is room for one parking space at the front of the dwelling. The recommended parking standards within the Local Plan set out that at least 2 spaces should be provided for dwellings with up to three bedrooms, however, the proposed dwelling would only be able to accommodate one bedroom, for which the recommended parking provision is one parking space. The site is located within the middle of Crowland, with easy access to services and facilities. It is therefore considered acceptable for only one parking space to be provided. It appears however that the proposed development would result in the loss of parking spaces for 2 Beekens Yard and it is unclear where occupants of No. 2 would park if the proposals were approved. Notwithstanding this, the proposal would not be expected to have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity

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"

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 submission is accompanied by a biodiversity exemption statement setting out that as the dwelling is proposed to be self build, it would be exempt from providing BNG. The local authority agrees with this given that the proposal is for one dwelling which is in outline form only. It is therefore reasonable to assume that a future applicant could have an input into the detailed design as part of the reserved matters in order to achieve a self build dwelling. As such, the development is exempt from the requirement to provide BNG. There is therefore no requirement for the proposal to demonstrate BNG in line with both national legislation and the Local Plan. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

The site is within Flood Zone 1, as identified within the Environment Agency's flood risk maps. There is an area of Flood Zone 3 to the south-east of the site where the River Glen is located.

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.

The site is identified within the following hazard areas within the SFRA; 'Danger to Most', 'Danger to Some' and a low hazard area. Appendix C of the SFRA sets out recommended mitigation for development within such areas. For the proposed development, the site is at risk of flooding with depths between 0.5m and 1.0m. To accord with the recommendations of Appendix C, the finished floor levels of the development must be set 1m above ground level, with flood resilient construction to a height of 0.3m. With appropriate mitigation, it is therefore considered that the proposed development would have an acceptable impact in terms of flood risk and as such the proposal would accord with Policy 4 of the Local Plan, and section 14 of the NPPF.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development in this instance would provide one dwelling, providing a very minor contribution to the supply of homes within the district and more specifically, Crowland. This is a minor contribution and is afforded little weight. The proposed development would provide a minor economic benefit in terms of providing employment during the construction phase of the development. Similarly, this is afforded little weight. The local planning authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment (6.4 years as of 31 March 2024). Therefore, full weight can be attributed to the policies in the South East Lincolnshire Local Plan 2019.

Whilst there is no strict uniformity in terms of the surrounding plot layouts, the proposed dwelling and its associated outdoor amenity space would result in a cramped form of development. Insufficient outdoor amenity space is proposed, and the space would likely be overlooked due to its potential positioning at the front of the dwelling. If positioned at the rear of the site, the space is unlikely to have sufficient daylight. Due to the proximity of the western elevation of 2 Beekens Yard which features various windows, the proposed dwelling would likely result in an unacceptable degree of overlooking with 2 Beekens Yard. The proposed development would therefore represent an overdevelopment of the site as a result of an overly cramped layout which would not be conducive to a high-quality standard of living for future occupants and the neighbouring property. As such, the proposed development would not accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

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 would conflict with Policies 2 and 3 of the Local Plan and sections 11 and 12 of the NPPF. The cramped layout and unacceptable amenity impact weighs heavily against the minor benefits of providing one dwelling.

Recommendation

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