DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-1117-23**	**Applicant:**	**Mr S Fradley**
Proposal:	Proposed 4 bed chalet bungalow with single garage and single garage for No.59 including demolition of existing garage		
Location:	Rear Of 59 & 61 Postland Road And 59 Postland Road Crowland		
Terminal Date:	12th February 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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
RESIDENTS	9	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for a proposed four bed chalet bungalow with a single garage and single garage for No. 59 including the demolition of an existing garage.

Site Description

The site lies within the defined settlement boundary of Crowland as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Postland Road is of a linear design in terms of the houses being located to the front of the highway and not set back by significant amounts, the majority of the properties are bungalows with some two storey plots, however these are minute. The plot this dwelling is proposed to be built on is in the rear garden of No. 59 and 61, most of the plots are of a similar design and size all having level ridges and eaves heights.

History

H02-0256-91 - Kitchen extension plus replacement of single garage to double garage - Approved

H02-0624-92 - Extension to single garage - Approved

H02-1687-07 - Proposed extension and detached double garage - Approved

Consultation Responses

Crowland Parish Council

CPC believe this is an overpowering development on neighbouring properties and may prove detrimental to their enjoyment of the amenities.

North Level Internal Drainage Board

No objection.

Lincolnshire County Council Highways Authority

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for the erection of a 4 bed chalet bungalow with single garage and single garage for

No.59 including demolition of existing garage. The proposed dwelling is a 4 bed property - adequate parking and turning is demonstrated for both the host and proposed dwelling. The applicant has shown that they will widen the existing access to Lincolnshire
County Council specification. The proposal is acceptable in highway safety terms. 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.

Informatives

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a
current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

South Holland District Council Environmental Protection

No comments.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, eight letters of representation have been received. These are summarised as follows -

- There will be noise from an additional dwelling, an additional building especially with vehicle access to the side will impact on the noise levels
- We will lose privacy in our garden and will be overlooked when currently this issue does not exist
- By placing a two storey building in a predominantly one storey neighbourhood, the level of privacy will be severely impacted for the surrounding properties
- Concerns surrounding flood risk, it will take away ground to absorb water
- The area surrounding the planning building is predominantly one storey, by building a two storey building this will change not only the appearance but the aspects of a number of properties, as well as the amount of daylight available to surrounding properties and their gardens
- There is a risk to both pedestrians and motor vehicle using Postland Road, as the access does not have sufficient room for vehicle to turn, therefore we envisage vehicle reversing with limited visibility
- which poses a risk to aforementioned users
- The two storey property will tower over all adjoining properties since it is surrounded by bungalows, it will deny any privacy to everyone around it
- The proposal does not provide harmony with regard to roof levels
- Six windows will overlook and destroy any privacy
- Little amenity space for a large four bed family house
- The proposal does not meet the current needs for the area
- If approved it will set a precedent that could encourage neighbouring property owners to do the same, exacerbating already stretched resources and overdeveloping the area

- Current local services are already severely strained regarding healthcare and education provision, along with water infrastructure already being overwhelmed - this will make these issues worse
- Due to its location of the upper and lower windows, privacy will be lost to the rear of all surrounding properties
- Due to the additional height of the construction of the property to allow for flood risk mitigation the height of a chalet bungalow plus the building being an additional 500mm from ground level will be raised considerably
- The proposed property it to all intents and purposes a house, as it has a first floor with windows
- The upstairs window at the front would overlook the rear of my property giving an uninterrupted view into the private living areas. This will further be increased due to the 500mm ground level to meet flood risk requirements
- Traffic on Postland Road is already very busy, will increase exponentially with the addition of a four bedroom house, and will add to the current issues already being experienced on James Road. Whilst in construction , all associated builders heavy vehicles, deliveries of materials etc will further add to the traffic issues
- Increase noise and disturbance will result from the construction and subsequent occupancy of the property
- The proposal to demolish the existing garage to number 59 is disagreeable as the existing garage form parts of the boundary. The garage will is 2.5m high and offers security and seclusion, it is unclear from the plans what is proposed to replace the brick wall which will satisfy both legal requirements and not cause a decrease in privacy and security
- Concerned about the siting of a new garage, it will alter the appearance of the fronts of Postland Road making it out of character with the rest of the nearby properties
- The land is designated for bungalows only, the proposed dwelling would stand out

Key Planning Considerations

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

- Principle of Development
- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use
- Flood Risk and Drainage
- Highway safety and Parking

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Main 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.

The National Planning Policy Framework (NPPF) 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".

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This 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 typically 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, taking the above matters into account, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan in principle, when viewed on balance. 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 walls of the proposed dwelling will be made from traditional brick and stone grandchester blend bricks with a Marley modern smooth grey plain roof tiles. The joinery will be cream uPVC and the gutters will be black uPVC, both the windows and rear door appear to be made from white uPVC. The dwellings along Postland Road are made from bricks with a tiled roof and therefore the proposed dwelling is considered to use a similar material whilst the colour of the bricks and tiles will be different. It is important to note that despite this difference it will not cause a significant issue or harm on the street scene, additionally, the property to the rear is made from a different material to the properties to the front albeit these dwellings are set much further back.

To create the access to the proposed new dwelling the existing garage shall be demolished and relocated to the front of the site. This new garage shall be around 4000mm in height with a total length of 6000mm and a width of 3600mm, the measurements would be proportionate in comparison to the existing garage on site already as it will be of a similar size. The design of the garage would feature a gable roof, No. 59 incorporates a gable roof across all elevations and therefore the use of this design would be unsympathetic to the area and cause harm to the street scene especially as it is located to the front of the site and clearly viewable from the highway. Furthermore, due to it being sited at the front and forward of the principal elevation this will cause significant harm to the character of the area specifically as there are no properties down Postland Road that feature any form of outbuilding or garage to the front of their site. Therefore, by relocating the garage to this area with the design including a gable roof this could cause an unacceptable harm to the area and could cause a precedent to allow other properties to include an outbuilding/ garage forward of the principal elevation thus further harming the character and street scene.

The proposed chalet bungalow shall have a total length of 14200mm with a width of around 8900mm, this means the total internal floor space is around 126 metres squared. The height to the eaves shall be 3800mm with a total height of 7000mm and a smaller ridge of 6000mm on the rear elevation due to the design of the property. On the front elevation there shall be a porch which is 3200mm in height from the floor level. Four nearby properties have had planning applications in recent years and therefore the measurements for them can be accurately assessed so have been compared to the proposed chalet style bungalow -

- *57 Postland Road - This property has an eaves height of 2400mm, a total height to 5700mm and eaves that sit at 4000mm*

- *59 Postland Road - This property has an eaves height of 2800mm, a total height to 5900mm and eaves that sit at 4400mm*

- *63 Postland Road - This property has an eaves height of 2700mm, a total height to 5700mm and eaves that sit at 4600mm*

- *65 Postland Road - This property has an eaves height of 2400mm, a total height to 5700mm and eaves that sit at 4000mm*

As such, these existing bungalows are all of a similar size to one an another and this is the design throughout this section of Postland Road with the other properties being of this size or slight changes in height. The proposed chalet bungalow will be much higher and this would be classed as being a significant increase and would be unacceptable in comparison due to this. It will be around 1000mm higher across all elevations for both the eaves and ridge of the property, additionally, the property would need to be raised 500mmf rom the ground level to mitigate against flooding and therefore this means the bungalow will be 1500mm higher than the other existing dwellings in the immediate area. This would appear incongruous and out of character to locality and should be refused for this reason.

The layout of the proposed dwelling is as follows: the entrance hall shall feature the stairs to the first floor and a cupboard for storage, this then leads to an open plan kitchen and dining area with a utility adjacent and WC, the dining area shall feature a set of bi-fold doors.. On the opposite side

there shall be a lounge and a study to the front. On the first floor, the landing provides access to the main shared bathroom and all four bedrooms, Bedroom 1 features an en-suite and Bedroom 4 has a cupboard which could act as walk-in-wardrobes. The proposed layout provides adequate space for the residents with large open rooms that flow well.

In regard to the design of the bungalow, it incorporates a porch on the front elevation, two sets of ground floor windows and three roof lights. To the rear there are two gable windows and one main window on the first floor with adequate ground floor windows to provide natural light into the rooms. The right hand side elevation features only one first floor window with the opposite side having a window on the first floor and bi-fold doors with a window on the ground floor. The design of the roof if a gable with a gable also projecting from the rear having a valley style, the majority of properties along Postland Road have hipped roofs and therefore by using a gable roof this will appear out of character and incongruous - this is of a similar aspect to the reason mentioned previously surrounding the garage. This design significantly harms the area and should be refused for this reason.

Consideration needs to be given to the fact that the dwellings along Postland Road are set out in a linear way with them being only slightly set back from the highway to provide large open drives forward of the dwelling. By setting a dwelling in the rear garden of a dwelling this would be considered to be a 'back land' development and could set a precedent for other developers to attempt to place new dwellings in these areas, this layout would appear out of character and incongruous with the area.

Finally, concern was raised by a resident objection surrounding the small amount of amenity space for the potential residents. It can be considered that due to small size of the plot and substantial size of the bungalow that it will appear to be a cramped form of development in comparison to other existing plots that feature long and wide gardens. Therefore, the proposal does not appear to be in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Paragraph 135 of the South East Lincolnshire Local Plan in regards to the size, mass and bulk.

The proposed erection of a four bed chalet bungalow with a single garage and and single garage for No. 59 Postland Road directly conflicts against Policy 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework. The design of the roof and size of the dwelling makes it appear out of character with the area, it shall be significantly taller than the bungalows in close proximity to the site which all feature hipped roofs in comparison to gable roof this proposes. The small plot of land the development would sit on makes it appear to be a cramped form of development in comparison to the other properties along Postland Road which have long and fairly wide gardens, furthermore, by setting the bungalow this far back from the main road it would set a precedent that properties can be built here in cramped ways and should therefore be refused. Finally, by siting the proposed garage for No. 59 forward of the principal elevation it would significantly harm the street scene due to its design and there are no other garages in the area which are at the front of a curtilage. This therefore conflicts with Policies 2 and 3 of the SELLP and Section 12 of the NPPF and should be refused.

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.

There is the potential for overlooking to occur following this development being constructed. The windows to the rear act for two bedrooms and one bathroom, the bathroom window will of course be obscure glazed, however the two rear windows for the bedrooms could provide a clear view into windows for the property to the rear. There is a distance of around 20m from the rear elevation of the proposed chalet bungalow to No. 69c which features a plethora of windows sited along this front elevation which will be for habitable rooms and therefore this could result in a loss of privacy. Additionally, there are windows on both side elevations for three separate bedrooms, these will provides view into the private rear amenity spaces of both neighbouring plots plus potentially some

plots further back. It could also be considered that the roof lights on the front elevation could provide some view into the amenity spaces for the plots sited to north west as they are only 500mm from the eaves and therefore this would mean that the residents would have a clear view, it would be beneficial for the scheme to site this windows much higher up to allow for natural light whilst not causing a loss of privacy. In conclusion, a material and significant loss of privacy will occur due to the placement of these windows.

The house will be, on average, around 1500mm higher than the existing properties in the area with separation distances of around 10m on the eastern side and 6m on the west. Due to the minimal distances between the plots and the height of this chalet style bungalow there would be a shadow cast onto the neighbouring plots which will significantly reduce the light to the rear gardens and this would therefore be unacceptable in this instance and conflicts with Policies 2 and 3 of the SELLP.

Finally, due to the aforementioned issues surrounding the development being around 1500mm higher than other existing houses this will make it appear overbearing for the properties surrounding the site, this would also be unacceptable and cause harm to the residential amenity. If the plot was slightly shorter and did not need to be raised so high from the floor level it could potentially be acceptable in term of its overbearing impact.

The development therefore, by virtue of its size, closeness to boundaries, positioning and placement of windows results in a significant loss of amenity to residents through overshadowing, overlooking and appearing overbearing. As a result, the scheme conflicts with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Flood Risk and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 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 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the 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 lies within both Flood Zone 3 of the Environment Agency's Flood Maps. The latter 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. However, the maps are broad brush and do not take into account any flood defences. It is therefore necessary to use the

refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area identified as danger for most. A flood risk assessment has been provided, however the development has not been assessed against the sequential and exception test despite being classed as more vulnerable when in relation to Table 2 of the Planning Practice Guidance (PPF) on Flood Risk and Coastal Change 2022. As such, the evidence provided within the FRA is not considered to be fully adequate due to it not being assessed properly. It outlines that flood could occur through a breech of the embankments of the River Welland but this is maintained and offers a 1 in 100 year plus climate change protection. It could also be affected by flood waters from the breech of Crowland Bank and potential for failure of a pumping station. Finally, drainage ditches could erode or become blocked however this should not provide an issue. To prevent any issues they suggest that the finished floor levels be 500mm above the existing ground level with the building being constructed of load bearing masonry construction and not a timber frame structure. In addition, flood resilient measures will also be incorporated up to 300mm above the FFL whilst the main road is classed as being in Flood Zone 1 which can act as safe refuge. As the proposed dwelling is a chalet style bungalow it features bedrooms on the first floor with no bedrooms on the ground floor, this provides refuge for residents if the buildings were to become flooded after a major breech of the tidal bank and ensure there is no danger to residents when they are asleep. Furthermore, it considered the point made in reference to the main road being refuge is irrelevant and not suitable however the dwelling itself has adequate refuge.

Despite all of these considerations and mitigation measures, the FRA has not taken into consideration the sequential or exception test and therefore cannot be considered to have been adequately assessed against the site and area it is located in. There has been no evidence to show why the development should be located here in such a high flood zone and therefore the application should be refused for conflicting with Policy 4 of the SELLP and Section 14 of the NPPF.

The developers plan to dispose of surface water through soakaways and foul sewage through a mains sewer. North Level Internal Drainage Board were consulted on this application due to them having a nearby drain, they raised no concerns with what has been proposed but stated that *'If there is any change to the surface water disposal as stated in the application, please contact the Board to discuss the new arrangements*. As such, there are no concerns at this stage surrounding the proposed drainage on site.

Overall, when considering the development on balance, it is considered that the provided flood risk assessment has not been accurately assessed against the site due to it not taking into consideration the sequential or exception test, it is considered that the proposal conflicts with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 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 three spaces for dwellings of up to four bedrooms.

The development proposes a chalet bungalow with four bedrooms, as such there must be at least three spaces for vehicles. From the plans included it is clear that the development has adequate parking to the front and side of the property. The detached garage also meets the requirements to count as an extra parking space as it is larger than 2.6m by 5.6m when measured.

Lincolnshire County Council Highways were consulted on this application and have requested to include two informative on the decision notice. Despite concerns raised through residents objections, LCCs comments raise no objections and state that *'Adequate parking and turning is demonstrated for both the host and proposed dwelling. The application has shown that they will widen the existing access to Lincolnshire County Council specification. The proposal is acceptable in highway safety terms*'. As such, this development is considered to be acceptable on highway safety.

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.

Planning Balance

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

The proposal represents inappropriate development inside the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality, as well as the amenity of nearby residents whilst not adequately assessing against flooding. It does however provides adequate parking.

In this instance, there are significant material considerations that weigh against the proposal and as such, the planning balance is against the favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary

to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 36 and Appendix 6 of the SELLP, along with the identified sections contained within the NPPF. It is however, in direct conflict with Policies 2, 3 and 4 of the SELLP along with Section 12 of the NPPF, these are significant factors that indicate against the proposal and outweigh the consideration against the scheme and the policies referred to above.

Recommendation

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