

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H02-1171-25      **Applicant:** Mr P Blackbird  
**Proposal:** Proposed Bungalow & Garage  
**Location:** Rear Of 12 Peterborough Road Crowland  
**Terminal Date:** 28th January 2026

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

#### National Guidance

#### National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment

### Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	2
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## **CASE OFFICER ASSESSMENT**

### **Description of Proposal**

This is a full application for the erection of bungalow and detached garage to the rear of 12 Peterborough Road, Crowland. The dwelling would be "L" shaped, with a maximum length of 10.1m and width of 14.1m. This would provide a total area of 112.5sqm. To the eaves, the height would be approximately 3.3m, rising to 5.5m at the ridge. These heights include the raise in finished floor levels of 1m proposed.

The garage would be located to the west of the dwelling. It would measure 6.1m by 7.4m. To the eaves it would measure 2.7m, rising to 4.9m at the apex.

### **Site Description**

The site is within the settlement boundaries of Crowland, as outlined within the South East Lincolnshire Local Plan, 2019. The site is a backland plot, located to the rear of 12 Peterborough Road. Backland development is already present in the area to the north and south.

### **Relevant History**

H02-0285-24 - Full - Proposed 2-storey 3-bedroom detached chalet bungalow with associated double garage, parking and private amenity space. Refused 03/07/24.

### **Consultation Responses**

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

#### **Crowland Parish Council**

"A question from the Committee was raised regarding parking arrangements for both buildings, with particular concern for Number 12 and where residents will be able to park"

#### **Historic Environment Officer**

"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. However, if you would like advice from us, please contact us to explain your request"

#### **North Level Internal Drainage Board**

"Please note that North Level District Internal Drainage Board has no objections to the above planning application."

#### **Ecologist**

"Summary: There has been sufficient evidence provided to determine this application, as long as the mandatory 10% net gain is achieved through securing offsite units pre-commencement.

Documents reviewed:

·BNG Statutory Metric

## **·BNG Assessment**

### **Comments**

#### **BNG Comments and Notes to applicant**

-While the BNG assessment seems thorough for this application we do have an issue that would need addressing pre-commencement.

-Following guidance from the BNG user guide (page 56) any trees planted within the domestic curtilage of a property as created habitat should be classed as vegetated garden and not individual trees due to permitted development rights. This would mean that unfortunately all the new trees proposed on site would need to be classed as vegetated garden. Therefore, with this alteration, mandatory 10% net gain would not be achieved on this site and 0.0456 habitat area units would need to be secured off-site if no other on site habitat creation can be achieved.

-The offsite units will need to be secured pre-commencement and can be achieved via 2 routes:

- 1.Bespoke habitat creation/enhancement could be undertaken by the applicants on land they own elsewhere or in agreement with another landowner. To discharge the biodiversity gain condition the applicants would have to secure the appropriate habitat creation/enhancement by either entering a section 106 agreement with the local authority or through undertaking a conservation covenant with a responsible body pre-commencement.
- 2.The applicants could purchase the appropriate number of units from an off-site habitat bank and evidence this to the authority pre-commencement. This can be achieved through the applicants contacting an off-site unit provider, aka a habitat bank, (which has biodiversity units registered on the national gain-site registry) to arrange a contract for the applicant to purchase the necessary units from the habitat bank. The habitat bank then notifies the national gain-site register to allocate the specifically referenced units to the applicant. To discharge the general biodiversity gain condition, the applicant provides us with this reference information and evidence of the purchase (e.g. a receipt or copy of the contract with the habitat bank) along with the biodiversity gain plan that they must submit to us pre-commencement. These details are also recorded within a finalized version of the metric submitted with the gain plan. The authority can then independently confirm the unit transfer by checking the unit references against the national gain-site register and then approve the gain plan to discharge the Biodiversity Gain condition.

Conclusion: There has been sufficient evidence provided to determine this application, as long as the mandatory 10% net gain is achieved through securing offsite units pre-commencement."

### **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, X letters of representation have been received.

These can be summarised as:

### **Key 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.

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

### **Principle of Development**

Policy 1 of the SELLP 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 of Crowland which is classed as a "main service centre" within Policy 1. As such development will be permitted that supports Crowland's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The NPPF outlines, within Paragraph 61, 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. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."

Paragraph 73 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 paragraph 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.

As the site is within Crowland, development within this location is considered appropriate. The proposal would support the settlement's role as a main service centre and make a positive contribution to local housing stocks.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 61 and 73 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

#### Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states 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 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. 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. Developments 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, among other considerations.

Paragraph 139 of the NPPF states: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

South Holland do not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well designed places. The NDG is supported by the National

Model Design Code (NMDC), which has a greater emphasis on matters such as density and built form, and approaches assessments in a more empirical manner.

Likewise, Policy 2 of the SELLP 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 SELLP 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 NPPF 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 proposed finished height of the dwelling would be approximately 5.5m to the apex. 12 Peterborough Road, which would be located in front of the proposal, has a height of approximately 5m to the apex. The proposal would therefore display an atypical relationship with the frontage development, failing to provide the expected visual subservience of backland development. This relationship is seen throughout comparable developments in the immediate area. The result is an unduly dominant and imposing form of development, at odds with the character of the area.

The design of the proposed dwelling, in isolation of its scale, is of no significant architectural merit. It is a fairly ordinary and plain dwelling, which would not enhance its immediate setting. That being said, the design is not necessarily out of keeping with the area. What limited design features are present are consistent with those in the wider area.

As outlined previously, the NPPF requires new developments to function well. The finished floor level of the dwelling would be raised by one metre. Despite this, no information on measures to ensure the dwelling is still accessible (e.g., raising the overall level of the site or providing steps to the dwelling) have been provided. Due to this lack of information provided, it cannot be said that the dwelling would function well for its lifetime.

The proposed garage would be largely obscured from the public realm by 12 Peterborough Road. However, the garage would still be highly prominent when viewed from the rear of 12 Peterborough Road. Moreover, within the plot itself the positioning to the front of the dwelling would result in a perceived increase in the scale and bulk of development. The positioning to the front of the dwelling results in attention being drawn to the feature, breaking the established coherence of the area.

Details of boundary treatments have not been provided here. In order to prevent overlooking, the treatments would need to be substantial in scale. The character impact arising from the necessitated increase would likely be considered unacceptable, forming an unduly harsh and prominent feature. However, seeing as details have not necessarily been provided here, the weight given to this point is reduced somewhat.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact on the character or appearance of the area and would therefore be contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

### Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The finished floor level would be raised by 1m, giving a final level of 2.5m AOD. Page 10 of the submitted Flood Risk Assessment shows relative ground height from the road to the plot. This shows that the existing bungalow has a finished floor level of 2.05m. Condition 5 of

APP/A2525/W/18/3197601 (10a and 10b Peterborough Road) set finished floor levels on the adjacent site at 2.3m AOD.

No details of boundary treatments have been provided. As a result of the differences in finished floor levels, boundary treatments would have to be raised proportionally in order to stop views which could be obtained from the proposed kitchen and bedroom windows towards 14 Peterborough Road and from the kitchen and lounge towards 10 Black Bird Close. Such an increase in height, required to prevent overlooking, would create unacceptable visual harm. However, without this increase in height, there would be substantial overlooking to an unacceptable degree. As a result, the proposal would create an unacceptable level of overlooking, irrespective of the potential boundary treatments proposed.

The dwelling would be in close proximity to neighbouring dwellings. As a result, there would be overshadowing on the two neighbouring plots. That being said, the shadow cast would primarily be on blank elevations, resulting in amenity harm.

As detailed above, the scale and design of the proposal is considered to have a significant and unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered contrary to Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

### Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

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

Policy 36 of the SELLP, 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. Adequate parking has been provided. The front parking arrangement for No.12 would remain unchanged.

The width of the access appears to be acceptable, providing adequate space for vehicles to safely enter and exit the site. Visibility appears acceptable.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

### Flooding Considerations

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: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "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". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood

risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 2 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for most, with a hazard depth of up to 1m.

The submitted flood risk assessment has purely applied the Sequential Test on the basis of the Environment Agency maps, outlining that the site is preferable due to its positioning in Flood Zones 1 and 2. As outlined previously, Paragraph 174 of the NPPF outlines that the strategic flood risk assessment will provide the basis for applying the Sequential Test. As such, the submitted Sequential Test is considered inadequate to meet the requirements of Section 14 of the NPPF. No search for alternative sites, using the SFRA as a basis for the risk of flooding, has been provided. As such, it cannot be said that the site is sequentially preferable from the submitted information.

A cursory examination of the Hazard and Depth mapping shows that there are sites within the Crowland area at a lower hazard and depth than this site. It has not been demonstrated that there is no land within this pockets which are suitable for this proposal. On this basis, the Sequential Test is considered to have been failed.

In any event, even if the proposal could not reasonably be located elsewhere, it is still considered that the proposal would fail the Exceptions Test. Paragraph 178 of the NPPF states:

"To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

Beginning with Part B, whilst the rise in finished floor levels may result in the dwelling being safe for its lifetime, it has not been adequately demonstrated that the proposal would not increase flood risk elsewhere. No details of site drainage have been provided here to show that surface water run off would not impact neighbouring dwellings. Moreover, it has not been shown how the raise in finished floor level would materialise (i.e., whether ground level throughout would be raised), meaning the impact of this cannot be assessed. Therefore, it has not been demonstrated that the proposal would not increase surface water run off, or the rate of this run off. As such, it cannot be said that point B has been met.

Turning to Part A, a single market dwelling is proposed. Bar the small contribution to the housing land supply (at this point it should be noted that SHDC can display a housing land supply in excess of five years and therefore the weight attributed to the need for new housing is reduced), there would be no benefits to the community arising from this development. The proposal would therefore fail to meet Part A of Paragraph 178 also.

On balance, the proposal is considered to be contrary to Policies 2, 3 and 4 of the SELLP, as well as Section 14 of the NPPF. The site is considered to fail the Sequential Test, and in any event, would fail the Exception test also.

### Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

The proposal is not considered to meet any of the exemptions listed in The Biodiversity Gain Requirements (Exemptions) Regulations 2024. As such, the proposal must demonstrate suitable net gain.

The details provided show net gain could be achieved on site. In the event the application is approved, the statutory condition would be applied.

### **Planning Balance**

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

The proposal is considered to fail the Sequential and Exception Test. The proposal would therefore be unacceptable from a flood risk perspective.

Moreover, the dwelling fails to properly integrate itself into character of the area, failing to reflect existing proportions and built forms. As such, the proposal would lead to an unacceptable impact upon the character and appearance of the area.

### **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 these factors into consideration, the proposal is considered contrary to Policies 2, 3, and 4 of the SELLP, as well as Sections 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the harm of the proposal; therefore, the planning balance is against the proposal.

### **Recommendation**

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