DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0232-24**	**Applicant:**	**Mr G Lavendar**
Proposal:	Residential Development - Erection of Dwelling		
Location:	Rear Of Hollandia Old Main Road Fleet Hargate		
Terminal Date:	24th May 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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development.
Section 3 - Plan making.
Section 4 - Decision making.
Section 5 - Delivering a sufficient supply of homes.
Section 11 - Making effective use of land.
Section 12 - Achieving well-designed and beautiful places.
Section 14 - Meeting the challenge of climate change, flooding and coastal change.
Section 15 - Conserving and enhancing the natural environment.

Representations:

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

RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a two-bedroom chalet bungalow.

Site Description

The site (some 0.066ha) is currently residential curtilage located at the rear of Hollandia, which is a chalet bungalow.

A pair of semi-detached houses are located to the south-west along the frontage and a house (The Hawthorns) to the west to the rear of the latter. A chalet bungalow (Hi-Brow Cottage) is situated to the south-east fronting Old Main Road. The A17 is situated to the north.

Recent Planning History

None

Consultation Responses

Fleet Hargate Parish Council

No response.

Cllr P S Barnes

Concerned that this application is attempting to cram yet another house in a private garden. Although I think this application may just be outside the conservation area of Old Main Road - can we check that the suggested construction materials are in keeping with the area. I also note that the application form does not mention any parking spaces.

LCC Highways

No objections.

SHIDB

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would

be required under Byelaw 3.

Environmental Protection

No comments or objections.

LCC Archaeology

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

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, the objections/comments received can be summarised as follows:

- Yet another garden converted to a dwelling. Building squeezed in.
- Upper windows affected by traffic on A17.
- Building materials out of character with surrounding homes.
- Is it for multiple occupation because of room layout?

Planning Considerations

The main issues in this case are:
1. Principle of Development and Sustainability;
2. Character and appearance;
3. The likely effect of the development upon the amenity of neighbouring residents;
4. Highway safety/parking;
5. Flood risk/drainage.
6. Ecology/biodiversity.

Evaluation

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

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

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Policy/Principle

The South East Lincolnshire Local Plan (2019) 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 (2019) 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 (2019) indicates that within 'Minor Service Centres', including Fleet Hargate, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 70 of the National Planning Policy Framework (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

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

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) 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.

Section 12 of the Framework 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 of the Framework 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, layout and appropriate and effective landscaping. It should also be sympathetic to local character and history, including the surrounding built environment and establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
Proposals for new development 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.

This part of Fleet Hargate north of Old Main Road is characterised by frontage residential development, with backland plots at the rear. The site is relatively small for a backland plot (site

area some 0.066ha). However, there are existing backland plots of similar size to the west.

The proposal is for a two bedroom chalet bungalow which would be constructed in Vandersanden Flemish Antique Stock facing bricks with Cedral Fibre Cement Cladding (Light Grey) on the front gable and a side element. The roofing material would be Sandtoft Old English Pantiles (Natural Red). Doors and windows would be in uPVC.

Existing development within the vicinity is generally varied in terms of dwelling types and external materials, including houses, chalets and bungalows. Hollandia itself, which is a high ridged chalet, is constructed in red brickwork with cladding on its gable end. Taking into consideration the aforementioned considerations it is considered that the proposed dwelling would not materially harm the character or appearance of the locality.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) in this respect.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (December 2023). Paragraph 135, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The site is located at the rear of Hollandia, which is a chalet bungalow. A pair of semi-detached houses are located to the south-west along the frontage and a house (The Hawthorns) to the west to the rear of the latter. A chalet bungalow (Hi-Brow Cottage) is situated to the south-east fronting Old Main Road. The A17 is situated to the north.

In terms of possible overlooking/lack of privacy, the application is for a chalet, which has a blank elevation facing west towards The Hawthorns. The front elevation has a bedroom window on its western gable, plus a rooflight serving a landing. However, they would not overlook neighbouring property to a significant degree.

Overshadowing/blockage of light are not considered to be significant concerns in this case given the design of the property and degree of separation.

Vehicular access would be between Hollandia and the semi-detached house to the west (The Dees), which has an attached garage closest the driveway. Moreover, the site is close to the A17, so ambient noise levels are relatively high.

Overall, it is considered that the general relationship of the proposed dwelling to neighbouring properties and design of the property are such that the amenity of neighbouring residents would not be materially harmed by virtue of overlooking, lack of privacy, overbearing effect, overshadowing and general noise and disturbance.

In terms of the amenity of future occupiers, the site is in close proximity to the A17, so is subject to traffic noise. As a safeguard, therefore, openings on the northern and western elevations associated with habitable rooms should have acoustic glazing.

The proposal is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) in terms of amenity, subject to mitigating conditions.

Highway safety

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan (2019), 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.

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

The application is for the erection of a dwelling to the rear of Hollandia, with the utilisation of an existing driveway. Sufficient parking has been demonstrated for both the host dwelling and the proposed. The access exists and visibility is good onto Old Main Road. The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions. The County Highways Authority considers that the proposal is acceptable on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019) in this respect.

Flood Risk/drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District lie within Flood Zone 3. 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 South East Lincolnshire SFRA indicates that the site is located within an area identified as Danger for Some. Nevertheless, the Local Plan has identified sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. In this respect, the site is within Fleet Hargate Settlement Limit.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development would provide wider sustainability benefits to the community that outweigh flood risk, and that it would be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

In this case, it is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need, and other benefits including generating employment during the construction period.

In terms of making the development safe, the peak flood depth at the site during the 0.5% annual probability (1 in 200 chance each year) event in 2115 is between 0.25m and 0.5m. Based upon this information it is recommended that the floor level of the dwelling is 0.5m above surrounding ground level. Furthermore, it is recommended that there is 0.3m of flood resilient construction above finished floor level. The risk of flooding is lowered as the proposed dwelling has sleeping accommodation on the first floor.

Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed in this instance and the proposal is in accordance with development plan policy and advice within the National Planning Policy Framework (December 2023).

In terms of drainage, foul water would be disposed of via the mains sewer and surface water via soakaways, subject to percolation tests. This matter could be addressed by means of a condition if permission was forthcoming.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for

areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

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

The application is accompanied by an ecology management plan which proposes bio-diversity measures and is considered satisfactory. It should be noted that the application was submitted prior to mandatory requirements for Biodiversity Net Gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics.

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 represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. In terms of flood risk, the proposal passes the exceptions test and bio-diversity can be addressed my means of a condition. The proposal therefore conforms with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

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.

Recommendation

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