

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0861-25 **Applicant:** Mr A Wright
Proposal: Proposed Dwelling
Location: Adjacent To 14 Cross Street Fleet Spalding
Terminal Date: 10th November 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving Sustainable Development
Section 4 - Decision Making
Section 5 - Delivering a Sufficient Supply of Homes
Section 9 - Promoting sustainable transport
Section 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	0
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the erection of a single residential dwelling adjacent to 14 Cross Street, Fleet.

The proposed dwelling would comprise a chalet bungalow design, consisting of ground floor and first floor accommodation.

A sitting room, utility, bathroom, bedroom and a triple garage (alongside a garden store, plant room and cycle/mobility scooter store) to the ground floor, with a living room, dining room, kitchen, and two bedrooms (each with en-suite) being located to the first floor, alongside a covered balcony area.

The proposed dwelling would have an overall height of approximately 7.8metres (stated as being 7.5m from finished floor level to ridge height). The scale of the proposed dwelling, in respect of its floor area, comprises a 14.6m by 7m frontage element (102.2sqm), with a further 14.4m by 13.5m rear projection (194.4sq); totalling a floor space of 296.6sqm.

Site Description

The site is located within the defined settlement boundary of Holbeach as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

The application site currently forms part of the garden area for no.14 Cross Street and comprises a large garage building, with grassed and hardstanding areas to the rear. The immediate neighbouring properties, to the east and west, comprise single storey bungalows, which is the prevailing nature of properties along this southern side of Cross Street.

Three two-storey detached dwellings lie along the northern side of Cross Street, which comprise a somewhat of an outlier in respect of the surrounding character, with the adjacent Union Street also containing single storey bungalows.

To the rear of the site lies agricultural land. The site is located within flood zone 3.

History

H05-1163-22 - Proposed detached garage and alterations to bungalow - Approved

H05-0294-23 - Proposed dwelling & detached garage - Refused

H05-0294-23

This application was refused for two reasons, as follows:

Reason 1:

"The site is inside the Fleet Settlement Limit as defined in the South East Lincolnshire Local Plan

(SELLP), 2019. However, the proposal would result in overdevelopment and constitute a cramped and inappropriate form of development that would be out of character with the area. It would also leave little outdoor amenity space for the existing dwelling at no.14 Cross Street.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 states that sustainable development considerations should be met in relation to such matters as 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.

The above policies are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting".

Reason 2:

Residential amenity is one of the key principles of design and development management as set out in Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) (SELLP). Likewise, Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that developments should ensure a high standard of amenity for existing and future users, among other considerations. Additionally, Policy 30 of the SELLP states that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the amenities of the area by way of noise pollution (amongst other matters).

The scheme proposed parking to the rear of the site which results in an unacceptable relationship and noise disturbance for the occupiers of the existing dwelling at no.14 Cross Street. Furthermore the proposed dwelling given its height and close proximity to the eastern boundary would result in overbearing impact and unacceptable overshadowing on no.18 Cross Street.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Paragraph 130 of the National Planning Policy Framework, 2021.

Consultation Responses

South Holland Internal Drainage Board

Consent may be required under Byelaw 3, not currently required under Section 23 and is not applicable against Byelaw 10.

Lincolnshire County Council Highways Authority

Recommendation: 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 Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. Cross Street is a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on Branches Lane and its junction with Cross Street. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users

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.

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, one letter of representation has been received. This has been summarised below:

- Concerns over the height and positioning of the proposed dwelling and that it would be totally out of keeping with regard to the surrounding homes.

Key Planning Considerations

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

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- 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 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 December 2024) 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.

In this regard, the Authority can demonstrate 5.5 years of housing land supply. Furthermore, SHDC have scored at least 162% for the Housing Delivery Test over the last three years (Paragraph 1.4 of the 5YHLS Assessment). In accordance with Paragraph 232 of the NPPF, it is therefore not necessary to apply the tilted balance in favour of sustainable development in the determination of the current application.

Planning Considerations

Principle of Development and Sustainability

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) 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) (December 2024) 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".

Para 73 of the National Planning Policy Framework (December 2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, 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 lies within Holbeach, a 'Main Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the broad 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.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed 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 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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 (2019) 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 (December 2024), 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 (December 2024) 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 materials of the proposed dwelling would be facing brickwork (Ivanhoe Westminster) for the walls and feature brickwork of the same type above the windows across the elevations. Below the windows there would be reconstituted stone cills. The windows would be made from uPVC in cream whilst the roof windows would be grey. The materials proposed are considered to be acceptable and suitable as a whole and should not cause harm to the character of the area.

The proposed development in this instance seeks permission for a chalet style dwelling, comprising an approximate height of 7800mm (the submitted drawing specifies 7.5m from FFL to ridge, with the FFL being 0.3m above existing ground levels). The layout of the dwelling would create an internal floor space of 296.6sqm, across the ground and first floor.

The surrounding area, is such that the majority of dwellings within the immediate area are bungalows of a single storey appearance. This includes Cross Street, Albion Street, Union Street and Princes Street. It is noted that a small number of two storey dwellings (three adjacent the site to the northern side of Cross Street) and one chalet lie within the wider area. However, the prevailing character along the southern side of Cross Street, and the predominate character within the immediate area, is of single storey bungalows of modest height. This showcases the common and standard design for dwellings within the area; which are notably lesser in scale than the 7.8m proposed within this proposal.

This has been further supported by the recent appeal decision on site, relating to the previous refusal by the Local Planning Authority for a single dwelling scheme, which stated that *"dwellings have a prevailing single storey appearance... These factors combine to provide general consistency in scale and a pleasant degree of spaciousness which complements the character and appearance of the settlement edge"*.

The proposal subject to this previous appeal dismissal which is a material consideration in the determination of this proposal, although comprising a different siting, design and including a detached garage, comprised a detached dwelling of a chalet design which had an overall height of 7.4m from FFL to ridge. The previous refusal, particularly in respect of the decision made by the Planning Inspectorate, cited the height of the dwelling as being a notable contributor to the unacceptable nature of the proposal. This current scheme proposes a maximum height of 7.8m, comprising 7.5m in height from the FFL; and as such, comprises a dwelling of a larger ridge height than that previously refused and dismissed on site.

Whilst the proposal is not necessarily two-storey, it does comprise a chalet design with a notable ridge height of 7.8m, which would not be uncommon for a standard two-storey dwelling.

The resultant development, comprising a height of 7800mm and proposing a chalet design, would result in the introduction of a built form that would be at conflict with this well established and consistent design pattern, particular along the southern side of Cross Street, which consists of modest scaled, and much lower, bungalows.

In this regard, the resultant height is significantly taller than the extant dwellings that neighbour the plot to the east and west. Firstly, No.14, to the west, has a total height of approximately 6000mm (taken from H05-1163-22); whilst No.18, to the east, has an approximate height of 5500mm (taken from H05-0800-99). This further demonstrates that the proposed dwelling is unsuitable and fails to take account of the prevailing nature and scale of development within its immediate vicinity, being at least 1700mm taller than its direct neighbour, and around 2200mm taller in the more extreme circumstance.

The resultant built form, by way of its chalet bungalow design and its proposed scale, would conflict

with the design of the vast majority of dwellings in the immediate area. The proposed dwelling comprises a resultant height that is no less than that previously refused and dismissed on site, and would retain its unacceptable and incongruous form.

It is noted that the covering letter makes reference to a chalet dwelling to the west, known as 'Green Lodge'. This was approved under H05-0201-08. Whilst the LPA have taken this dwelling into consideration, it should be noted that not only was this approved under an old local plan and under differing circumstances and considerations, it should also be noted that this dwelling comprised a height of 6200mm; a scale much more in keeping with that of the immediate counterparts. Therefore, this holds very little weight in favour of this proposal.

This letter also goes on to say that the *'Scale and form reflects that of a single storey dwelling with room-in-the roof accommodation'*. The LPA strongly disagree with this claim. The height of the proposed development is more akin to that of a standard two-storey dwelling, being 7.8m in height. The neighbouring bungalows have heights of 6.0m and 5.5m respectively and as such, when specifically referring to the bungalows pertinent to the immediate vicinity of this site, the proposed dwelling is vastly in excess.

Beyond the consideration of proposed height, the Local Planning Authority have additional concern in regard to the overall scale and massing of the proposed dwelling. The proposal is sited as to comprise a frontage element to Cross Street, with a 14.6m by 7m frontage element (102.2sqm). The design is such that the floor space continues beyond this, comprising a further 14.4m by 13.5m rear projection (194.4sq); totalling a floor space of 296.6sqm.

The siting of the dwelling is such that it lies beyond the front of No.14 Cross Street (albeit by a minor extent), the northernmost projecting dwelling along this side of Cross Street. In addition, the extent of the dwelling is such that the rearmost elevation of the proposed dwelling lies further south within its plot, than that of the eastern neighbour No.18 Cross Street, which itself lies notable more to the south than the eastern neighbouring plot. In total, 296.6sqm, in the form of a 14.62 (maximum) width by 21.7m projection (maximum) is proposed. The result of which gives rise to an extensive and large massing and bulk.

In light of this, the proposed dwelling would extend significantly beyond the existing neighbouring dwelling of No.14 and would extend notably beyond the front of No.18, whilst comprising an extensive built form as to extend beyond the rear of this neighbouring dwelling also. This further emphasises the significant mass and bulk of the proposed development, which appears incongruous with the wider area.

Whilst considering a differing siting, the consideration of such an extensive scale and siting beyond existing neighbouring dwellings was also considered during the previous appeal; whereby the inspector detailed that *"The position of the proposed dwelling to the side and rear of the existing dwelling at No 14 would not on its own be dissimilar to the respective positions of No 14 and 'Green Lodge'. However, the height of the dwelling and the greater presence of first-floor elements would appear incongruous alongside the more modestly scaled bungalows to this side of the street."*

It is considered that the existing design features allow for *'general consistency in scale... which complements the character and appearance of the settlement edge'*, as identified by the Planning Inspectors earlier decision on site. In a similar light to what has been discussed, if this was approved, it would impact upon this consistency and existing character, and would fundamentally be out of character and thus could not be supported.

Chiefly, the proposal would introduce an incongruous, out of keeping and extensive dwelling, which would impact upon the aforementioned consistent appearance and thus would harm the character and appearance of the area. The siting of a chalet bungalow which would be much taller than its neighbours would in itself significantly conflict with the area and therefore causes impact to the character along Cross Street.

The scale of the proposed dwelling, in respect of both its overall mass, bulk and height, in addition to the design choice of a chalet bungalow, would result in an unacceptable design, that conflicts with the area and goes against the common design choices.

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 to the character and appearance of the area and would therefore conflict with Policies 2 and 3 of the South East

Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal is such that the overall scale of the proposed dwelling, in respect of its mass, bulk and height; coupled with the location of roof windows and there low level within the roof slope on the east and west elevations, would cause opportunities for a material loss of privacy to No. 14 and No. 18 Cross Street, whilst causing an overbearing and unacceptable impact.

In regard to overlooking, there is potential for impact to be caused through the siting of the living room on the first floor, with windows in the roof facing towards No. 14. Notwithstanding that these are rooflights, when viewed from the eaves to the top of the window on the west elevation, there is only a height of 1700mm; with this lessening towards to foot of the window. This is a similar arrangement for those located within Bedroom 1 on the east elevation as this features the same window design, with future residents in this room having the ability to overlook into No. 18 rear garden and result in a loss of privacy to an unacceptable level.

As a result, the future occupiers of the dwelling would have fairly easy and accessible views from the first floor towards this neighbouring properties rear garden and side windows; which would not typically be associated with rooflights, given there usual high level siting. As a result, this would cause an unacceptable level of overlooking and therefore harmful loss of privacy.

In addition to this, the Local Planning Authority have additional concern in regard to the overall scale and massing of the proposed dwelling in that the proposal would have a total floor space of 296.6sqm, through a 14.6m by 7m frontage element (102.2sqm) and 14.4m by 13.5m rear projection (194.4sq). The dwelling has been designed as to be located beyond the frontage of both neighbouring properties (notably beyond No.18 Cross Street), whilst also extending beyond the rear of both neighbouring dwellings also (notably beyond the rear of No.14 Cross Street). The result of which gives rise to an extensive and large massing and bulk within close proximity to the neighbouring properties. As such, the proposal would give rise to a sense of an overbearing and oppressive nature.

The overall scale of the proposed dwelling, in respect of its mass, bulk and height; coupled with the location of roof windows and there low level within the roof slope on the east and west elevations, are considered to cause opportunities for a material loss of privacy to No. 14 and No. 18 Cross Street, whilst causing an overbearing and unacceptable impact.

As detailed above, the scale and design of the proposal is considered to be acceptable; and would result in an unacceptable impact on the residential amenities of the occupiers of adjacent properties. As such, the proposal is considered to conflict with the provisions of Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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 strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details 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 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 (2019) 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 is identified within an area of low hazard within the SFRA, this provides aid to the acceptability of the development in this instance given the extensive proportion of South Holland being within Flood Zone 3 and at a less favourable hazard area.

The SFRA demonstrates that the site is not at risk during the present day and has a low probability of flooding. The Flood Risk Assessment submitted within this application outlines the probability of this development flooding from localised drainage systems is low, whilst the failure of Sutton Bridge Tidal Sluice could lead to an increased level of risk on site. The probability of flooding from any EA system is less than 0.5% annually due to the existing flood defences. It should be noted that there would be a 'gradual increase' over time due to climate change. The SFRA shows that there is a residual risk associated with overtopping and a breach in the defences in 2116; however, this would be at a maximum depth between 0.0m and 0.25m.

The submitted FRA does not provide any evidence of alternative sites, nor does it demonstrate any evidence of searching for alternative sites at a lesser risk of flooding, or within an area outside of Flood Zone 3. As such, the submitted FRA does not adequately demonstrate that the site is preferable in flood risk terms and would not, when viewed strictly, be sufficient as to pass the sequential test. Notwithstanding this, as detailed above, large parts of the district of South Holland lie within Flood Zone 3 and therefore it is 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.

In this instance, the site lies within an area of low hazard and within an area that would have a peak flood depth, in 2115, of up to 0.25m. As such, the site, when taking account of the constraints of the district in flood risk terms, can be considered preferable in flood risk terms; and would therefore pass the sequential test.

The FRA outlines that this proposed dwelling would help to meet the LPA housing supply. Whilst this is the case, the provision of a single dwelling is not considered to significantly or adversely contribute. In any case, the mitigation measures and risk, discussed in more detail below, show that the development would be safe and not materially increase the flood risk elsewhere.

The proposed arrangement does increase the impermeable area and therefore naturally there will be an increased volume of surface water that has the potential to increase flood risk.

Due to the site having a 'low 'actual risk of flooding', the only mitigation measure needed to be applied to this development is that the finished floor level of the dwelling should be raised 0.3m above surrounding ground levels, whilst 0.3m of flood resilient construction should also be placed above the finished floor level of the dwelling.

The foul sewage on site is to be disposed of via mains sewer, surface water would be disposed of via a soakaway. South Holland IDB have been consulted and provided comments in relation to the drainage on site. Firstly, Byelaw 3 (Surface Water) discusses that *'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 onsite material is considered favourable for infiltration.* If this is not considered to be feasible, they would expect the applicant to propose to discharge their surface water to a watercourse which itself would require consent under Byelaw 3.

Byelaw 3 also relates to Treated Foul Water, the IDB comments note that foul water would be disposed of to a main sewer. Whilst they have no objections to this, the applicant should be aware that if this changes to include the discharge of treated foul water to a watercourse, consent would be required under this Byelaw.

Within Section 23 this discusses the presence of a watercourse within the site boundary which is not maintained by the Board. Should the applicant's proposals change to include works to alter this watercourse at any time in the future then consent would be required under the Land Drainage Act 1991 (and Byelaw 4). Finally, Byelaw 10 does not apply in this instance due to there being no board maintained watercourses within or adjacent to the site boundary.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and conditions that could be attached in the event of a favourable decision, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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.

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.

The proposed dwelling would feature three bedrooms. Appendix 6 specifies how many parking spaces are required for dwellings providing this number of bedrooms, which is two space in this instance. This has been identified within the Proposed Block Plan, located to the front of the proposed dwelling. There is also a driveway proposed to the side of the dwelling which would provide residents the opportunity to turn around and leave the site in a forward gear.

Lincolnshire County Council Highways have commented and stated the following in respect of the proposal: *'The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. Cross Street is a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on Branches Lane and its junction with Cross Street. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users.'*

Lincolnshire County Council, as Local Highway Authority, have therefore raised no objections in relation to the issues to Branches Lane; however, make it clear that it is up to the LPA to determine the safety of the proposed development in relation to the siting of a new dwelling.

As this proposal is for a single dwelling with three bedrooms, it is considered that the resultant development would not cause a significant increase in vehicle movement to and from the site, as to create a severe impact or warrant refusal on this basis. Whilst Cross Street is a fairly narrow road, it is considered to have ample room for cars to pass by each other in a safe manner. The LPA therefore consider that there should not be any adverse harm caused to the highway in this instance.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the application has been accompanied by a BNG Exemption Statement , which outlines that the application would be exempt due to it being a self and custom housebuild.

Whilst this could be the case, due to the issues identified with the proposal in other regards as outlined throughout this report, the LPA are to refuse the application and have therefore not encourage further discussion in this regard. It should be noted that, in any such case that a favourable outcome was to be achieved for this proposal, given the exemption identified as a 'self-build nature' stated, the LPA would have sought the agreement and signing of a Unilateral Undertaking.

Furthermore, it should be noted that no such discussions have taken place given the outcome of this application. The application was not accompanied by a draft legal agreement of any nature, nor have the LPA been privy to any evidence to demonstrate that the applicant is on the self-build/custom housebuilding register.

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 inappropriate development within the defined settlement boundary. Whilst the principle of a single dwelling is acceptable in this location, the concerns raised and harm caused to the character and appearance of the area, in addition to the harm caused upon the amenity of neighbouring occupiers, is such that an unacceptable impact is caused and any benefits identified would not outweigh this identified harm.

The proposal would materially harm the character and appearance of the locality, given its chalet bungalow design and overall mass and bulk (in an environment which is consistent of bungalows of a much lesser height and scale); coupled with the harm caused to the amenities of neighbouring occupiers through the scale and concerns surrounding loss of privacy and overlooking .

When viewed as a whole, the proposal does not conform with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024).

In this instance, these are material considerations that weigh against the proposal and as such, the planning balance is not in 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 contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019), along with Section 12 of the National Planning Policy Framework (NPPF) (December 2024), for the reasons highlighted throughout the report above.

These are significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal 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.