

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0903-21 **Applicant:** Mr & Mrs C Gibbons
Proposal: Proposed Bungalow - Outline Approval H05-0793-18
Location: Land North Of Fleet Road Holbeach Spalding
Terminal Date: 21st October 2021

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 2021**

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
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	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a three-bed detached bungalow with attached double garage.

It should be noted that outline planning permission was granted in 2018 for residential development (up to 5 dwellings), including a single central means of access, on land which includes this plot (ref. H05-0793-18).

Site Description

The site (0.14ha approx.) is located on the northern side of Fleet Road and its former use was agricultural land. A drain and footway run along the frontage. Open land is located to the north. An Ash tree is situated in the south-western corner fronting the site.

A new estate (Grimwood Close) is situated to the west beyond 1.8 metre high closeboarded fencing and 5 plots the subject of planning permission ref. H05-0389-21 to the east, which are under construction. Residential development is situated opposite.

Site History

H05-0469-16 - O/A - Residential development - Withdrawn 22 August 2016.

H05-0438-17 - O/A - Residential development 5 dwellings (re-submission of H05-0469-16) - Granted 27 July 2017.

H05-0793-18 - O/A - Residential development of up to 5 dwellings - Granted 8 October 2018.

H05-0389-21 - Full - Erection of 5 dwellings on land to east - Granted 16 June 2021.

Consultation Responses

Fleet Parish Council

No comments received.

LCC Highways

No objections. Recommend informatives.

South Holland Internal Drainage Board

If surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections

Public

No comments received.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle/Sustainability

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

The site is located outside of, but adjacent to, Holbeach Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The view has previously been taken that residential development upon this site would meet the sustainable needs of the area. Moreover, the site is part of an area of land that had outline planning permission for 5 dwellings when the application was submitted (ref. H05-0793-18). No objections are therefore raised in principle to residential development in this location.

Character/appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They 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; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The eastern fringe of Hobeach is generally characterised by detached and semi-detached dwellings within a relatively spacious and landscaped setting. Detached bungalows are currently under construction on plots to the east and essentially round off the eastern perimeter of the settlement. The proposed dwelling is a bungalow and would be constructed in TBS Audley Antique bricks with a Marley Edgemere Riven (Anthracite) roof. It is relatively well spaced. New tree planting has been incorporated to compensate for the removal of an existing Ash tree close to the frontage drain. It is considered that the proposal would not materially harm the character/appearance of the streetscene or general locality.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP 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 (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

A new estate (Grimwood Close) is situated to the west beyond 1.8 metre high closeboarded fencing and 5 plots the subject of planning permission ref. H05-0389-21 to the east, which are under construction. Residential development is situated opposite.

The proposal is for a 3 bed bungalow with finished floor levels set at 3.75m aOD. A garage window

faces east and WC and kitchen windows are set further back. Ensuite and bathroom windows are situated on the western elevation with a secondary lounge window set further back. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc, subject to boundary fencing.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Highway safety

Policies 2 and 3 of the SELLP 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. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

An existing access in the south-western corner would be utilised and upgraded. Turning facilities would be provided. Concerns have previously been raised by local residents on highway safety grounds. However, the County Highways Authority has raised no objections.

In terms of parking, the property would have sufficient space for the parking of at least vehicles.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety parking issues.

Flood risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

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 East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that part of the site is "Low Hazard" and part "Danger for Some". This is relatively low risk in flood risk terms within the district. Moreover, However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

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 should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the site adjoins Holbeach Settlement Limit and has an extant permission. Holbeach is one of the largest settlements within the district. Development is needed in this area to sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability

appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework.

Concerning the second element, the application is accompanied by a Flood Risk Assessment which recommends that finished floor levels (FFLs) be 500mm above the highest ground levels in the vicinity, which is equivalent to a minimum height of 3.75m AOD.

Drainage

Foul water would be disposed of to the mains sewer. Anglian Water has previously indicated that the sewage system at present has capacity for these flows (ref. H05-1183-16). Any maintenance/upgrading of the existing system is the responsibility of Anglian Water as the statutory undertaker.

The submitted site plan indicates that surface water would be disposed of via 3 no. soakaways at the rear. Ground conditions are considered suitable within this part of the district.

The South Holland Internal Drainage Board have previously indicated their intention to grant consent under the terms of its Byelaws and the Land Drainage Act 1991 for culverting of the Board's maintained watercourse Washway Road (K23) and for the relaxation of Byelaw 10 (no works within 9 metres of the edge of drainage / flood risk management infrastructure).

Biodiversity

The site is currently agricultural land and is therefore of low value in ecological terms. Nevertheless, Policy 28 of the SELLP and Framework indicate that opportunities should be taken to promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Planning balance

Residential development upon this site would meet the sustainable needs of the area. Moreover, the site is part of an area of land that had outline permission for residential development when the application was submitted (ref. H05-0793-18). No objections are therefore raised in principle to residential development in this location.

It is considered that the proposal would not materially harm the character/appearance of the streetscene or general locality, nor the amenity of nearby residents. The proposal satisfies the sequential/exception test in flood risk terms. Foul water would be disposed of to the mains sewer and Anglian Water has previously indicated that the sewage system at present has capacity for these flows. Surface water would be disposed of via soakaways.

The proposal satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the SELLP, 2019. There are no adverse issues in this case that outweigh factors in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.