

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H09-0135-22      **Applicant:** Mr P Reis  
**Proposal:** Proposed 3 bed detached dwelling  
**Location:** Adj. Huntspill Cottage Roman Bank Holbeach Bank  
**Terminal Date:** 2nd May 2022

### 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 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       | 1       | 0        |
| WARD MEMBER             | 0      | 0       | 0       | 0        |
| HIGHWAYS & SUDS SUPPORT | 0      | 0       | 0       | 1        |

|                                             |   |   |   |   |
|---------------------------------------------|---|---|---|---|
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL                               | 0 | 0 | 1 | 0 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

Full planning permission is sought for a 3 bed detached house.

### **Description**

The site (some 253sqm) is located on the northern side of Roman Bank on the rural fringe of Holbeach Bank. It is currently garden land associated with Huntspill Cottage. A drain runs along its northern boundary. A House (Wisteria Way) is situated to the west and a cottage further to the east beyond Huntspill Cottage.

### **Policies/Constraints**

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (adopted March 2019).

### **Planning History**

H09-0504-15 - Full - Alteration and extension to house and rebuilding of existing garage - Withdrawn

H09-0459-16 - Full - Replacement garage - Withdrawn.

### **Consultation Responses**

#### **Holbeach Parish Council**

No objections.

#### **LCC Highways/SUDs**

Does not wish to restrict the grant of permission.

### **SHIDB**

If (following testing) a strategy wholly reliant on infiltration is not viable and a 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

Note the presence of a Board maintained watercourse known as P62 Old Peartree (DRN206G6201) adjacent to the northern site boundary, and that the applicant intends to do works within 9 metres of this watercourse. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

### **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.

### Policy/principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan is the South East Lincolnshire Local Plan (SELLP), March 2019, which is up to date. The Authority presently has a supply of housing land exceeding 5 years (8.5 years).

The site is located outside a Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside.

SELLP Policy 1 directs developments within settlement boundaries and states that development in the countryside will 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.

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 124 stresses the desirability of maintaining an area's prevailing character and setting. Paragraph 130 establishes that planning policies and decisions should ensure that developments will 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.

In terms of the first element, it is considered that there is not sufficient justification for housing in this location. For example, it is not required by a rural worker.

Concerning the second element, the relevant factors are addressed below.

**An Economic Role** - It is accepted that the development would result in an economic benefit to the construction industry, although this would be temporary in nature. There may also be potential local employment opportunities associated with the construction.

It is also recognised that future occupants may work locally, support local services and therefore make a contribution to the local economy. Overall, however, it is considered that there are no significant long term economic benefits resulting from the construction of a dwelling in this location.

**A Social/Community Role** - Other than Holbeach Bank Academy (local primary school), there are few services and facilities within walking distance of the site. The nearest settlements such as Holbeach that offer a wide range of services and facilities are not within a reasonable walking or cycling distance of the site. Occupiers of the property would therefore be reliant upon the motor car to access such facilities.

It is accepted that the proposal would contribute to meeting the housing requirement in an area, and that small sites are often built out more quickly than larger sites. However, the contribution would not be significant, and the Authority presently has a supply of housing land exceeding 5 years (8.5 years).

**An Environmental Role** - Supporting the continued growth of residential development in a relatively unsustainable location is not presently considered to be environmentally sound. There is no

necessity for the proposal in this location and it would generate the need for additional traffic movements to access local facilities, contrary to the requirements of the environmental role of planning (para 105 of the National Planning Policy Framework, 2021). It would also be contrary to core planning principles within paragraph 17 of the Framework.

Moreover, the site is on the far eastern fringe of a cluster of dwellings within Holbeach Bank where housing is relatively well spaced with relatively long side gardens, reflective of its countryside location. It is considered that the proposed house on this small plot would fill the present gap and constitute a consolidation of existing development, to the detriment of the prevailing rural character of the area.

Consequently, the proposed development would not provide a sustainable location for housing on social and environmental grounds. It would therefore conflict with Policies 1 and 2 of the SELLP. Policy 2 indicates that sustainable considerations should be met in terms of impact upon 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, 2021.

### Residential 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 House (Wisteria Way) is situated to the west and a cottage further to the east beyond Huntspill Cottage. It is considered that the proposed dwelling would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.

### Highway Issues

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.

The proposed dwelling has 3 bedrooms and two car parking spaces are available on site. LCC Highways have been consulted and do not wish to restrict the grant of permission.

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

### Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

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

The South East Lincolnshire SFRA hazard mapping indicates that the site is within a localised area of no hazard. The proposal therefore satisfies the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk.

Because the site is within Flood Zone 3 and new dwellings are classified as "more vulnerable" within NPPG it nevertheless needs to be ensured that the property will be safe for its lifetime. In this respect, it is recommended that finished floor levels be set at 300mm should permission be forthcoming.

The proposal is in accordance with Policies 2 and 4 of the SELLP and advice within Section 14 the National Planning Policy Framework, 2021 in terms of flood risk.

Drainage - The application form indicates that surface water would be disposed of to soakaways. A drain is available for use at the rear if necessary. Drainage details could be addressed by means of a condition should permission be forthcoming.

### Planning balance

The site is located outside a Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. Other than Holbeach Bank Academy, there are few services and facilities within walking distance of the site. The nearest settlements such as Holbeach that offer a wide range of services and facilities are not within a reasonable walking or cycling distance of the site. Occupiers of the property would therefore be reliant upon the motor car to access such facilities.

It is accepted that the proposal would contribute to meeting the housing requirement in an area, and that small sites are often built out more quickly than larger sites. However, the contribution would not be significant, and the Authority presently has a supply of housing land exceeding 5 years (8.5 years).

Supporting the continued growth of residential development in a relatively unsustainable location is not presently considered to be environmentally sound. There is no necessity for the proposal in this location and it would generate the need for additional traffic movements to access local facilities, contrary to the requirements of the environmental role of planning (paragraph 105 of the National Planning Policy Framework, 2021). It would also be contrary to core planning principles within paragraph 17 of the Framework.

Moreover, the site is on the far eastern fringe of a cluster of dwellings within Holbeach Bank where housing is relatively well spaced with relatively long side gardens, reflective of its rural location. It is considered that the proposed house on this small plot would fill the present gap and constitute a consolidation of existing development, to the detriment of the prevailing rural character of the area.

In light of the above the planning balance is not in favour of the proposal.

### **Conclusion**

The proposed development would not provide a sustainable location for housing on social/community and environmental grounds. It would conflict with Policies 1 and 2 of the SELLP. Policy 1 directs developments within settlement boundaries and states that development in the countryside will 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. Policy 2 indicates that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 124 stresses the desirability of maintaining an area's prevailing character and setting. Paragraph 130 establishes that planning policies and decisions should ensure that developments

will 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.

## **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.

### BJRecommendation

That the application be refused under delegated powers.