

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0140-21 **Applicant:** Mr & Mrs Coupe
Proposal: Residential Development - one dwelling
Location: Land Adjacent The Bungalow Main Road Holbeach Drove
Terminal Date: 8th April 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
11	Distribution of New Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12 and 14

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 INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single dwelling, with all matters reserved for subsequent approval.

Site Description

The site (some 0.06ha) is located within an existing frontage on the southern side of Main Road. It is partially occupied by a building used for domestic storage. "The Bungalow" is situated to the west and a bungalow (Ash-Leigh) to the east.

History

H09-0693-05 - Full - Erection of replacement workshop/storage building - Refused 9 August 2005.

Policies/Constraints

The site is within the settlement limit for Holbeach Drove (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan, 2019.

Consultation Responses

Holbeach Parish Council

No comments.

LCC Highways

Does not wish to restrict the grant of permission.

SHIDB

Request drainage strategy. 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

Request screening assessment or contaminated land condition.

Planning Considerations

The main issues are:

- Policy/principle;
- The effect of the proposed development on the character and appearance of the area;
- Residential amenity;
- Highway safety;
- Other material considerations such as flood risk, drainage and contamination.

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 building has previously been used as an agricultural/industrial workshop and is presently used

as domestic storage. The former are considered to be non-conforming uses because of the building's close proximity to residential properties.

The site is inside Holbeach Drove Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Holbeach Drove, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited committed sites and infill. In this case the proposed development is frontage infill within the existing village fabric.

The proposal therefore satisfactorily complies with Policy 1 of the South East Lincolnshire Local Plan, 2020.

Character/appearance

The site is located within an existing residential frontage on the southern side of Main Road. It is currently occupied by a utilitarian building. Its demolition and replacement with a dwelling would not materially harm the character or appearance of the street scene or locality.

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

Amenity

An associated property ("The Bungalow") is situated to the west and a bungalow (Ash-Leigh) to the east. The latter is close to the common boundary. However, it has a blank wall on its western elevation. No resident objections have been received. It is considered that a dwelling could be accommodated upon the site without materially harming the amenity of nearby residents in terms of overlooking/lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. Consequently, the proposal accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highways

The site is served by an existing access and space is available on site for off street parking. LCC Highways consider that the proposal would not result in an unacceptable impact on highway safety and have raised no objections.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.

Flood Risk

In terms of flood risk, the site is located within Flood Zone 1 of the Environment Agency's Flood Maps. The Strategic Flood Risk Assessment indicates that the site is within an area identified as no hazard. The proposal therefore passes the sequential test.

Concerning the exceptions test, it is recommended that the finished floor level of the dwelling be set 300mm above existing ground level with a further 300mm of flood resilient construction above finished floor level. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Drainage

Foul water could be disposed of via a package treatment plant and surface water via soakaways. This matter should be addressed by means of a condition.

Contamination

Given the former use of the site Environmental Protection have requested the imposition of a contaminated land condition.

Planning Balance

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 site is within Holbeach Drove Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. It is considered that the proposal would not materially harm the character/appearance of the locality or amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance etc. LCC Highways has raised no objections to the scheme on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. There are no issues that outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal.

Recommendation

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.