DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0143-22**	**Applicant:**	**Mr J Bingham**
Proposal:	Proposed dwelling		
Location:	Adj. 2 Cranmore Lane Holbeach Spalding		
Terminal Date:	14th April 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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	1	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a 2 bedroom bungalow adjacent to no.2 Cranmore Lane.

Site Description

The site is located off Cranmore Lane, within the Holbeach settlement boundary. It is part of the driveway/residential garden associated with no.2 Cranmore Lane. The site is accessed off Cranmore Lane and is bounded by rear gardens to the south and north and open fields to the west. The immediate area comprises a mixture of single and two storey dwellings fronting the street. The site is within the Environment Agency flood zone 3.

Recent Planning History

H09-1130-21 - Proposed bungalow and detached garage - Refusal

Consultation Responses

Holbeach Parish Council

Concerns that this will set a precedent.

LCC Highways

This proposal has 3 spaces for both the host and new dwelling, and whilst it is possible that the development may result in more parking demand than these spaces, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. 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 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

Environmental Protection

No comments or objections.

Residents

Two letters of objection have been received siting the following concerns:

·Too close to neighbouring boundary
·Parking shown on the pans seems to be extremely tight for 3no vehicles which would mean vehicles are parked on the street, resulting in highway safety issues.

Planning Considerations

Principle of development

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 inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Main Service Centres, including Holbeach, 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. The scheme is therefore acceptable in principle.

Layout, Design, Size and Scale

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

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; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

It is considered that the proposal would constitute an unacceptable form of cramped development which is out of keeping with existing development in the area by virtue of existing residential development being sited within larger plots. The proposal would result in a much smaller plot which is out of character with the prevailing density of the area and to the detriment of the existing character and appearance of the area.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF.

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.

The neighbour to the north at JUSTZO, 2a Cranmore Lane has raised concerns that the proposed dwelling is sited too close to the boundary with this neighbour. The concerns are noted and whilst it is accepted that the proposed dwelling would be sited close to the shared boundary with this neighbour, given this neighbour does not have any primary windows in its side elevation facing the application site no overbearing impact or unacceptable overshadowing is considered to result. Furthermore no first floor windows are proposed in the side elevation directly facing this neighbour therefore there are no overlooking or loss of privacy concerns. As such the development is not considered to result in any unacceptable impact on the amenity of this neighbour.

With regards to impact on the existing dwelling on the site, the proposed dwelling would be sited close to this, however, given the relationship and orientation of the dwelling it is not considered that any unacceptable overshadowing would result. In addition, no first floor windows are proposed directly facing this dwelling therefore there are no overlooking or loss of privacy concerns.

The scheme proposes parking for the existing dwelling on the site (2 Cranmore Lane) in front of the proposed dwelling. This is considered to be unacceptable as it would result in an unacceptable relationship and noise disturbance for future occupiers of the proposed dwelling.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP in terms of amenity.

Parking/Highway safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage. The proposed dwelling would have 2 bedrooms therefore 2no parking spaces would be required for this and it is not clear how many bedrooms the existing dwelling has, however, it appears to be a 3 bed therefore 2o spaces would be required for the existing dwelling.

The proposed scheme shows 3no off-street parking spaces in front of the proposed dwelling to serve both the existing dwelling and the proposed.

The Local Highway Authority initially requested the applicant to make further consideration of the parking provision for the host dwelling. The agent has since responded and advised that they consider sufficient parking has been provided as both properties would have a dedicated spot with a shared guest space. Additionally, there is unrestricted parking available on the roadside. Following comments from the agent The Local Highway Authority has advised that this proposal has 3 spaces for both the host and new dwelling, and whilst it is possible that the development may result in more parking demand than these spaces, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

1no letter of objection has been received from a local resident raising concerns as to whether the proposed parking is sufficient for both dwellings and concerns that the development may result in additional vehicles being parking on the street.

Despite no objections from the Local Highway Authority the proposal is considered contrary to current parking standards. Given the site is not able to demonstrate on street parking provision for both dwellings in line with the current parking standards set under Appendix 6 of the SELLP the proposal would result in vehicles associated with both the existing and proposed dwellings parking on the street which would result in road safety concerns and a cluttered street appearance due to additional vehicles being parked on the road.

As such the proposal is contrary to Policies 2, 3, 36 and Appendix 6 of the SELLP in this respect.

Flood Risk/drainage

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

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA shows that that the site is not at risk of flooding for the 1 in 100-year river and 1 in 200-year tidal events. The refined map shows that the site falls into the equivalent flood zone 1, and as a result a sequential test is not required. The FRA indicates that subject to mitigation measures such as raised floor levels there would low or no risk of flooding.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it

incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Onsite rainwater will discharge to a soakaway and foul water is proposed to discharge to a mains sewer. South Holland Internal Drainage Board has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. 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 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

The design of the development is appropriately resilient to the effects of flood risk and overall climate change indicated within Policy 4 of SELLP. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway will be tested and subsequently approved at a later stage by SHDC Building Control.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

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 inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. However, the proposal would constitute a cramped and inappropriate form of that would be out of character with the area. In addition, there would be insufficient off-street parking provision for the existing and proposed bungalows.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposed development fails to comply with Policies 1, 2, 3, 4, 10, 11, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 4, 5, 11, 12 and 14 of the National Planning Policy Framework (NPFF), 2021.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be

balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Recommendation

That the application be refused under delegated powers.