DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0165-22**	**Applicant:**	**Mr D Hemmant**
Proposal:	Residential Development - Erection of 1 Dwelling		
Location:	Adj. Fair View Holbeach Drove Gate Holbeach Drove		
Terminal Date:	11th 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
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 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	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

CASE OFFICER ASSESSMENT

PROPOSAL

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

SITE DESCRIPTION

The application site is adjacent to Fair View on Holbeach Drove Gate, with the defined settlement boundary of Holbeach Drove. The site currently associated with Fair View is used as a driveway and private amenity space. It is a mixture of gravel and lawn with a number of small outbuildings located towards the rear. The site is enclosed by a low level boundary wall along the front/side and a fence along the rear. the immediate area is primarily residential comprising dwellings of various ages, size and designs. The site backs onto open countryside.

RELEVANT HISTORY

No relevant planning history.

REPRESENTATIONS

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Holbeach Parish Council

No objections.

SHDC Environmental Protection

No objections subject to a standard land contamination condition.

South Holland Internal Drainage Board

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface/foul 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). If there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

PLANNING CONSIDERATIONS

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 site is inside the Holbeach Drove Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Holbeach Drove is identified within the "Other Service Centres and Settlements" tier in Policy 1 of the SELLP, which sets out the spatial strategy for new development across the district. This policy sets out that, "within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) 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. Development will normally be limited to committed sites and infill". As such no objections are therefore raised on locational grounds.

Character and 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 character of the area is defined by a mixture of dwelling types, including two storey houses and bungalows. Spacing is also varied. Whilst some properties are on relatively spacious plots others are closer together. On balance, it is considered that a single dwelling could be accommodated in this location without materially harming the character or appearance of the immediate area.

As this application is in outline with all matters reserved, the character and appearance of the dwelling would be considered at the reserved matters stage.

Taking all these factors into account it is considered, on balance, that subject to design and materials a single dwelling on this site as indicated would not materially harm the character or appearance of the locality and would therefore satisfactorily comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the NPPF in this respect.

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 closest neighbours to the proposed development are the existing dwelling on the site (Fair View) and Papillon, located to the west of the site. The proposed dwelling as indicated on the submitted block plan would be located at least 4 metres from the closest boundaries of these neighbours. As such it would not appear overbearing or result in unacceptable levels of overshadowing.

No details have been submitted with regards to the height/design of the dwelling and position of windows therefore it is difficult to fully consider the impact on neighbouring amenity. This would therefore be assessed at the reserved matters stage.

As such subject to the above the proposed development is on balance considered acceptable in terms of its impact on neighbouring amenity and satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Parking/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.

The submitted indicative block plan shows a garage and driveway for the proposed dwelling and a driveway for the existing dwelling on the site. It is difficult to fully assess the parking requirement for

the site as it is unclear how many bedrooms the existing proposed dwellings have. However, a maximum of 3no parking spaces would be required for each dwelling and the submitted indicative block plan shows that there is sufficient space to the front/side of the dwellings to accommodate these.

The Local Highways Authority has not raised any objections to the proposal as the existing access would be utilised.

As such the proposal is considered to satisfactorily comply with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of parking/highway safety.

Drainage and Flood Risk

The applicant has indicated that foul water would be discharged to a foul sewer and surface water into a soakaway.

South Holland Internal Drainage Board has suggested a ground investigation be carried out in order to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. 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. An informative would be attached to the planning permission notifying the applicant of this.

The site falls within Flood Zone 1 as per both Environment Agency's Flood Map and South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The land therefore has having the lowest probability of flooding from fluvial and tidal sources.

Planning Balance

The principle of developing the residential scheme is acceptable at this location as the site is within the settlement boundary of Holbeach Drove.

The proposal is in a sustainable location for new housing. It is considered, on balance, that a single dwelling as indicated on the submitted block plan would not materially harm the character or appearance of the locality nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. LCC Highways have been consulted and have raised no objections on highway safety grounds.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

CONCLUSION

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 28, 31, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 5, 11, 12 and 14 of National Planning Policy Framework (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 approved under delegated powers.