

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0272-24 **Applicant:** Administrator of the late I W Login

Proposal: Proposed New Dwelling

Location: Adj. Chapel House Chapel Drove Holbeach Drove

Terminal Date: 20th May 2024

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 2023

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well-designed and beautiful places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic 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

RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

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

Site Description

The site is within the curtilage of Chapel House and is presently occupied by what appears to be a timber agricultural building. Access is via a gated entrance.

Chapel House is situated to the north and thereafter Holbeach Drove Methodist Chapel. The site to the south has approval for 4 dwellings, which are currently under construction (ref. H09-0489-23). Residential development is also situated directly opposite, including Hawthorns and Apple Jack Lodge.

Recent History

None

Consultation Responses

Holbeach Parish Council

No objections.

Local Lead Flood and Highway Authority

No objections subject to informatives.

Environmental Protection

Contamination - Request precautionary contamination condition.

South Holland Internal Drainage Board

Recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If

infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

LCC Historic Environment Officer

Request conditions.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, an objection has been received (summarised):

- Concerned regarding environmental impact of adding another dwelling in such a small space that has already had significant development.
- Affect ground drainage and local utilities.
- Destruction of barn and mature trees, which would impact bat population. Have at least one bat roost in the vicinity.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk/Drainage
- Ecology/Biodiversity
- Archaeology

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Other Service Centres and Settlements, 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. This policy goes on to detail that development within Other Service Centres will normally be limited to Committed sites and infill.

The application site in this instance is within Holbeach Drove, an Other Service Centre, and lies within the defined settlement boundary as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, etc, which are discussed below.

Character/appearance

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.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Section 12 of the Framework specifically relates to 'achieving well-designed and beautiful places' and details that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Existing development within the vicinity is mainly frontage and generally varied in terms of spacing, dwelling types, etc. The application is accompanied by an indicative block plan. Although the plot is relatively narrow, it is nevertheless considered that a single frontage dwelling could be accommodated similar to that indicated without materially harming the character or appearance of the locality or the setting of the Methodist Chapel to the north, which falls within the category of an undesignated heritage asset. Although concerns have been raised relating to removal of the existing timber building, this cannot be resisted because it is not a designated heritage asset.

On this basis, the proposal satisfactorily accords with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework (December 2023).

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapel House is situated to the north and thereafter Holbeach Drove Methodist Chapel. The site to the south has approval for 4 dwellings, which are currently under construction (ref. H09-0489-23). Residential development is also situated directly opposite, including Hawthorns and Apple Jack Lodge.

The application is in outline only, so the specific design of the property would be addressed at the reserved matters stage. That said, it is considered that a dwelling could be accommodated without materially harming the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Highway safety/parking

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The proposed is for the erection of a dwelling, utilising an existing access. Lincolnshire County Council raise no objections on highway safety grounds, subject to the existing access being upgraded to LCC specification. When a reserved matters application is submitted, it will also need to include details of how a calling vehicle can turn within the site.

The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in terms of highway safety.

Flood risk/drainage

Policy 4 of the South East Lincolnshire Local Plan relates to flood risk and indicates that "development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The Framework states that development in areas that are at risk of flooding should be avoided. It also states, at paragraph 167, that all plans in such areas should apply a sequential test to avoid flood risk and steer development toward areas with the lowest risk of flooding. If it is not possible to locate development in a lower risk area the exception test may be applied. Similar to SELLP Policy 4, this would need to demonstrate that the development would provide wider sustainability benefits to the community to outweigh the flood risk and would be safe for its lifetime, without increasing flood risk elsewhere.

The site is located within Environment Agency Flood Zone 1. Moreover, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as no hazard. The proposal therefore passes the sequential test. The exceptions test is not required for "more vulnerable" development within Flood Zone 1.

In terms of drainage, surface water would be disposed of via soakaways. Drainage generally can be addressed by means of a condition.

Given the above, the proposal is in accordance with development plan policy and advice within the National Planning Policy Framework.

Biodiversity

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 impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity gain condition is considered appropriate. In addition, in light of the objector's comments, a pre-commencement ecological survey should be carried out.

Archaeology

The proposed development is located in an area of archaeological interest, with extensive Roman cropmarks identified around the village including in the near fields. The Lincolnshire HER records multiple near monuments and sites (LHER: MLI91273 - Pond and Ditch, Apple-Jack Lodge, Chapel Drove, Holbeach Drove, MLI22255 - Extensive Romano-British cropmark complex, MLI22212 - Undated linear features, MLI20236 Romano-British cropmark complex, MLI22262 - Romano-British cropmarks). There is therefore potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction.

The applicant has not provided an assessment of archaeological/heritage potential for the site as required in the NPPF (paragraph 200). The proposed development comprises residential development including one single detached dwelling and one garage in addition to associated potential works including access, drainage, and services. Groundworks associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

LCC Historic Places Team therefore recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of archaeological mitigation work including, but not limited to a continuous archaeological monitoring (watching brief), with the ability to stop and fully record archaeological features to enable any remaining archaeology which currently survives on this site to be properly recorded during the construction phase, prior to its alteration or destruction. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

The proposal is in accordance with Policy 28 and advice within National Planning Policy Framework paragraphs 200 and 211, subject to conditions.

Contamination

Environmental Protection have requested that a precautionary contaminated land condition be imposed in this case.

Planning Balance

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The site is within Holbeach Drove Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. A single dwelling could be accommodated without materially harming the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the SELLP and the provisions of the National Planning Policy Framework when viewed as a whole.

No objections are raised on highway, flood risk, ecology grounds, etc, subject to conditions where appropriate.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28, 29, 30 and 36 of the South East Lincolnshire Local Plan (2019) as well as Sections 12, 14, 15 and 16 of the National Planning Policy Framework (December 2023).

There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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, subject to conditions.