

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0426-19 **Applicant:** Mrs S Rickerby
Proposal: Proposed bungalow
Location: Off Thomas De Moulton Way Holbeach Spalding
Terminal Date: 28th July 2019

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
29	The Historic Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14, 15 and 16.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	2	0	0	2
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CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 1/2 bedroom bungalow accessed via Thomas de Moulton Way, which is a private roadway serving a number of properties, including The Chequers Hotel.

Foul water would be disposed of via the mains sewer and surface water via a soakaway.

Site Description

The site (some 0.032ha) is currently garden accessed via Thomas de Moulton Way, a private roadway. It currently has 1.8 metre high fencing along its frontage. A tree is situated along its southern boundary.

An existing garage associated with No 20 Park Road is situated to the north and bungalows located off a separate private roadway to the north-east and east. Gardens are situated to the south beyond a garden wall. A modern bungalow (No 2) is situated on the opposite side of Thomas de Moulton Way. The Mansion House (grade II listed) is situated further to the south west off High Street.

Policies/Constraints

Inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

The site is inside Holbeach Conservation Area.

Previous Decisions

H09-0359-10 - Outline - Erection of dwelling. Refused August 2010.

Reasons:

- 1) It would constitute a cramped form of development that would have a harmful effect upon the character/appearance of Holbeach Conservation Area;
- 2) Low level of amenity;
- 3) Material effect upon amenity of nearby residents;
- 4) Further vehicles using the private roadway to the detriment of highway safety.

Representations

Holbeach Parish Council - No comments.

Cllr F. Biggadike - Small bungalow in a sustainable location for an elderly person in need of close family support. In agreement with Government and LCC policy of keeping elderly in their own homes to relieve Social Services.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Environmental Protection - No objections.

LCC Archaeology - The proposed development lies in the heart of the medieval and post medieval settlement of Holbeach. Previous investigations in this area have been interesting, and although finds recorded are presumed to be medieval they could not be securely dated.

Given this it is recommended that a Scheme of Archaeological Works is commissioned.

Public - Resident objections (summarised):

Detrimental affect upon the local area; Too close to existing dwellings; Thomas de Moulton Way is a private road unsuitable in width and construction to accommodate further development; Unsuitable for heavy/construction traffic - only cars can use it according to title deeds; Poor visibility onto Park Road; Thomas de Moulton Way used as a rat run to avoid lights in the High Street; Previous refusal which should be adhered to.

Material Considerations

The main issues are:

- Principle;
- Character and appearance, including the effect of the development upon Holbeach Conservation Area and The Mansion House (Grade II listed);
- The likely effect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk.

Principle

The site is inside Holbeach Settlement Limit as defined in the SELLP, 2019. Policy 2 indicates that within the settlement boundaries of the 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 meet the service needs of other local communities.

Character and Appearance

The site is inside Holbeach Conservation Area. It is garden area associated with the Mansion House (Grade II listed), which is situated further to the south west off High Street. However, it is physically separate and does not impact upon its setting.

A small single storey property is now proposed on site, the design of which reflects a traditional 19th century outbuilding/workshop. It is small scale with a relatively low ridge line and would not appear cramped. It would sit satisfactorily upon the site and would have a satisfactory level of amenity. It is considered that the proposal would not have a harmful affect upon the character/appearance of the conservation area or the setting of the Mansion House.

Amenity

An existing garage associated with No 20 Park Road is situated to the north and bungalows located off a separate private roadway to the north-east and east. Gardens are situated to the south beyond a garden wall. A modern bungalow (No 2) is situated on the opposite side of Thomas de Moulton Way. The north eastern boundary is de-lineated by existing fencing and also a wall. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, blockage of light, overbearing effect, etc.

The proposal would result in additional vehicles using Thomas de Moulton Way to access the site. However, Thomas de Moulton Way is already used to gain access to other dwellings as well as the Chequers car park and the rear of other properties off High Street. It is considered that the amenity of existing residents along Thomas de Moulton Way would not be harmed to a significantly greater degree in terms of noise and disturbance.

Highway Safety

The site is accessed via Thomas de Moulton Way, which is a private roadway. The applicant has provided evidence indicating that he has a vehicular right of way. The proposal includes a car parking space. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The site lies within Flood Zone 3 as defined by the Environment Agency Flood Map. The 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 but 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 hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms. Concerning the exceptions test, finished floor levels should be set 300mm above existing ground level.

Drainage

Foul water would be disposed of to a public sewer and surface water to a soakaway. Ground conditions within Holbeach are considered suitable for the latter.

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 proposal 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 proposal 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal would provide an additional residential unit within Holbeach and would not harm the character/appearance of Holbeach Conservation Area or the setting of the Mansion House (Grade II Listed). The concerns of nearby residents have been taken into consideration but are not considered to be sufficient as to outweigh factors in favour of the scheme. LCC Highways has raised no objections on highway safety grounds.