

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0517-23 **Applicant:** E Andrew Building Contractor

Proposal: Proposed dwelling and garage

Location: Land Between 2 Hall Gate And 76 Church Street Holbeach

Terminal Date: 8th August 2023

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
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving Sustainable Development
Section 5- Delivering a Sufficient Supply of Homes
Section 9 - Promoting Sustainable Transport
Section 12 - Achieving Well-Designed 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	1	0	0	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	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a new dwelling and integrated garage on the land between 2 Hall Gate and 76 Church Street, Holbeach. The proposed dwelling will be two-storeys, with three bedrooms.

The land is currently a garden attached to 76 Church Street, as such the plot is relatively small. From the proposed 1.8 metre boundary fence to the elevation of 76 Church Street is a distance of only 1 metre. From wall to wall, there would be a distance of approximately 2.5 metres. There would be approximately 1.7 metres from the proposed boundary fence to the northern wall of 2 Hall Gate, representing a continuation of the current boundaries. The would be approximately 5.3 metres from the rear wall of the proposal to the boundary with 74a Church Street.

It is proposed that the dwelling would be built of red facing bricks, with grey roof tiling. All fixtures and fittings would be white UPVC. There would be solar panels on the southern elevation.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is located approximately 50 metres south of the Holbeach Conservation Area, in an area characterised by residential units. There is a mixture of styles and ages within these residential units, however, there is a general preference for red brick, smaller dwellings.

Relevant History

H09-0012-07 - Full. Conversion of dwelling into 4 flats, including extension. Approved 10/04/07.

H09-0793-17 - Outline. Proposed dwelling. Approved 11/09/17.

Consultation Responses

Environmental Protection

No comments

Holbeach Parish Council

Concerns over access especially as by a road junction

Historic Environment Officer

"Land Adjacent to 76 Church Street Holbeach The proposed development is within the historic core

of the settlement of Holbeach close to the church a former Hall and early medieval settlement to the south. It is therefore in an area where buried remains from the early medieval period onwards may be anticipated. The proposal to construct a dwelling on the site will include highly intrusive groundworks which will remove any surviving archaeological remains either wholly or in part. As such evaluation of the site will be necessary to properly assess the impact of the proposed development on any surviving archaeological remains present. This will necessarily have to be undertaken as a condition of consent if permission is granted.

Recommendation: I 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 approach of investigation followed by archaeological mitigation work should it be necessary. This will initially comprise, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 194 and 205"

Highways and Lead Local Flood Authority

"No objection: The form of the development being proposed in this Application is almost identical to that Consented under reference H09-0793-17, with a single vehicular access on the north side of the frontage, a garage and a driveway with no turning facility. This arrangement still remains acceptable in highway terms, in this location and the dwelling's construction and occupation would not be expected to have an unacceptable impact upon highway safety. Accordingly, the highway authority does not wish to object to the grant of Consent for this Application."

Two standard informative conditions have been requested if approval was granted.

South Holland Internal Drainage Board

Requested that drainage consent be sought from the Board.

Resident Comments

One objection, summarised as follows:

- Works will overlook property
- Works will overshadow property
- Concerns over the safety of the access

Planning Considerations

Evaluation

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

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, 2021 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality

agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the settlement of Holbeach which is classed as a Main Service Centre within Policy 1. As such development will be permitted that supports Holbeach's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The NPPF outlines, within Paragraph 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Paragraph 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

As the site is within Holbeach, development within this location is considered appropriate. The proposal would support the settlement's role as a Main Service Centre and make a positive contribution to local housing stocks. While development within garden plots is not preferable, it is considered that the location is sustainable within the context of national and local planning policy.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 60 and 69 of the NPPF. The principle of development on this site is considered acceptable, subject to the other relevant policy considerations being met.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states 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.

The use of red brick and grey tiles, which are typical of the area, would ensure the development appears well blended into the locale. Due to the preference in the area for smaller plot sizes, the addition of an infill development would not appear out of keeping. The dwelling would be constructed in line with the existing build line along the road, further reducing the potential visual impacts.

The scale of development is comparable to the existing built form in the locale. There would be ample interior room within the property and a small, but sufficient, rear garden.

The proposed 1.8 metre-high close bordered fence would be in keeping with the existing development in the area.

The proposal therefore is acceptable in terms of design and scale.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Two first-floor windows are proposed on the southern elevation facing onto 2 Hall Gate. However,

both windows are within bathrooms and will therefore be glazed, reducing the potential for overlooking. Through conditions, the risks posed by these windows may be further controlled. No first-floor windows are proposed on the northern elevation, preventing overlooking onto 76 Church Street. The proposed boundary treatment would sufficiently screen the windows on the ground floor.

There would be three windows within the rear elevation, all of which would face directly onto the garden of 74a Church Street. Due to the limited distances present, the occupiers of the proposed dwelling would have clear views into 74a. This represents a significant overlooking concern.

2 Hall Gate has no windows on its northern elevation, as such, there are no overshadowing concerns with this property. However, there are several windows and a conservatory facing the proposed site within 76 Church Street. While this dwelling is to the north of the site, therefore reducing the potential impacts somewhat, the proximity between dwellings would lead to unacceptable loss of light at 76 Church Street. There is the potential for some overshadowing at 74a, particularly in the morning.

The proposed dwelling would itself be overlooking by 76 Church Street. The western most window on the southern elevation of 76 Church Street would offer clear views into the garden of the proposed dwelling.

An objection has been received stating the potential for overlooking and overshadowing. It is considered that the objections further support the determination that the development would lead to an unacceptable amenity impact.

As such, it is considered that the proposal fails to conform to Policies 2 and 3 of the SELLP and Section 12 of the NPPF in terms of amenity impacts.

Flood Risk and Drainage

The site is within Flood Zone 2 of the Environment Agencies flood risk maps. As such a Flood Risk Assessment has been prepared.

Within the Local Strategic Flood Risk Assessment (SFRA), the site is classed as an area of low flood risk. Despite this, the submitted Flood Risk Assessment has recommended that floor levels be raised by 300mm to fully mitigate any potential flooding. This is considered proportionate and appropriate; however, the floor levels should not be raised considerably above this threshold.

It is proposed that all surface water is to be disposed of via soakaways. The submitted details are acceptable given the needs of the development.

The proposal therefore conforms to Policy 4 of the SELLP in terms of flood risk and drainage.

Sustainability

Policies 28, 31, 32, and 33 of the SELLP all ensure development is socially and environmentally sustainable.

The location of the dwelling would enable users to access facilities and employment via sustainable means of transport, and therefore, reduce the dependence of residents on private vehicles. This should also encourage walking and promote a healthier lifestyle.

The proposal would see the loss of a tree and some greenery. To counter the impacts of this, a scheme of planting is proposed. In addition to this, it is recommended that swift bricks be installed if permission was granted, to further improve the biodiversity on site.

The addition of solar panels further achieves the environmental sustainability goals of the SELLP.

However, in line with the definition of sustainability within Section 2 of the NPPF, a development is not sustainable if it does not achieve environmental, social, and economic sustainability. As discussed previously, the proposed dwelling would overlook the property to the rear. This would result in a reduction in the quality of life of the occupiers of this dwelling. As such, it is considered that this proposal is not socially sustainable, and therefore, is not sustainable. In line with Section 2 of the NPPF, unsustainable development is not acceptable and should be refused.

It is considered that the proposal is therefore not sustainable, despite conforming to Policies 31, 32 and 33.

Highway and Parking

Policy 36 and Appendix 6 of the SELLP requires two parking spaces for a three-bedroom property. This is delivered via the garage and gravel drive.

The relevant consultee from the Highway Department raised no objections, stating that the works would have no significant harm in terms of highway safety.

An objection was received regarding highway safety. While this objection has been noted, the comments of the Highways department have reinforced that the dwelling would not have an unacceptable impact upon safety.

As such, the proposal conforms to Policy 36 and Appendix 6 in terms of Highway safety and parking provisions.

Planning Balance

The principle of a dwelling on this site is sound. The site is within the town of Holbeach, and therefore, occupants would have access to local services via sustainable means of travel. The proposal therefore conforms to Policy 1 of the SELLP.

The proposed design of the dwelling would be in keeping with the established street scene. The proposed scale is comparable to those already in the area. As such, it is considered that the proposal conforms to Policy 2 in terms of design.

It is considered that the proposal would have an unacceptable amenity impact. Due to the positioning of the windows and conservatory of 76 Church Street, there would be some loss of light. As these rooms are habitable and require a level of sunlight, it is felt that any loss of light would be felt particularly strongly here. It is considered the detrimental impacts here are unacceptable.

Furthermore, it is considered that the proposal would overlook 74a Church Street. This loss of privacy will reduce the quality of life of the occupiers of 74a Church Street. These concerns are reflected in an objection received by the department, stating that the works will produce unacceptable levels of overlooking.

The proposed dwelling itself would be overlooked by 76 Church Street, making the site an unfavourable location for occupation/ development.

Policy 4 of the SELLP relates to flood risk and drainage. It is proposed that the finished floor levels are raised by 300mm. This is considered appropriate given the restraints on the site.

The proposed dwelling would incorporate several measures such as planting, solar panels, and cycle storage to improve its sustainability. However, in line with the definition of sustainability within the NPPF it is considered that the proposal cannot be sustainable due to its unacceptable social impacts.

The proposed site could accommodate the necessary parking provisions, without having an acceptable highway impact. The comments of the Highway department reinforce this.

The comments of the Historic Environment Officer have been noted. However, the planning balance is against the proposal, and therefore, conditions cannot be imposed.

The objections raised have been noted closely. It is considered that the objections on the grounds of overshadowing and overlooking are entirely relevant and pertinent to this application. As such, they have informed the decision made here.

It should be noted that the previous application on the site, H09-0793-17, was made in outline only. In the intervening years a new local plan has been adopted and the NPPF has been updated.

Although the proposal generally conforms to Policies 1, 2 (in terms of design), 4, 31, 32, 33 and 36 of the SELLP, it is considered that the proposal fails to conform to Policy 2 and 3 of the SELLP in

terms of amenity impacts. In line with Sections 2 and 12 of the NPPF, the proposal therefore represents a form of unsustainable development.

The planning balance is against the proposal.

Conclusion

The recommendation is for delegated refusal.

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.