

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0580-24 **Applicant:** Mr A Clues

Proposal: Erection of single dwelling & detached garage - re-submission of H09-0937-23

Location: Rear Of Landmere Cottage Main Road Holbeach Drove

Terminal Date: 13th September 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of a single dwelling and detached garage to the rear of Landmere Cottage, Main Road.

This application is a re-submission following the refusal of application reference H09-0937-23, which sought permission for the same proposal however the new application proposes an altered scheme.

Site Description

The majority of the site is outside the defined settlement limits of Holbeach Drove. The surrounding area is characterised by linear development of varying ages and designs. A South Holland IDB maintained drain is located to the east of the site, with an arable field and dwellings along Long Lane further beyond. A dwelling named Chruchfields is located on the opposite side of Main Road to the north of the site, with St Polycarp's Church to the north-east. The site is partially located in Flood Zone 2 toward the eastern boundary. The site is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

History

H09-0192-23 - Alterations and extension - Approved

H09-0937-23 - Erection of single dwelling and detached garage - Refused

H09-0937-23 was refused for the following reasons:

The proposal site is located outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the South East Lincolnshire Local Plan, 2019 states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need. As of 31 March 2023 the Council can now identify a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6 years under the Liverpool Method through the latest Housing Land Supply Assessment.

The proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 which amongst other things require proposals to have regard to the character and appearance of an area. They stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The design and size of the plot are significantly different when compared to immediate neighbouring properties in the area, as such, this makes the proposed single dwelling appear incongruous and out of character.

The proposal by virtue of its scale and siting alongside the small boundary treatments would result in both an overbearing and overshadowing impact upon the existing residents of the bungalows to the south west of the site. Alongside this, the positioning and placement of first floor windows would provide a direct view into these plots rear gardens and therefore result in a loss of privacy. The proposal is considered to be contrary to Policies 2 and 30 of the South East Lincolnshire Local Plan 2019 as well as Paragraph 135 of the National Planning Policy Framework December 2023.

Consultation Responses

Holbeach Parish Council

Objection - unsustainable

Lincolnshire County Council Highways

Recommendation:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

This is a resubmission of H09-0937-23. The changes to the previously refused scheme do not alter the previous response submitted by Lincolnshire County Council.

The proposed dwelling is to be accessed via an existing vehicle access crossing and a roadway that presently serves the land to the rear of the host dwelling, Landmere Cottage. This roadway is of sufficient width to allow two-way car movements so it should not be necessary for drivers to have to reverse back out of this entrance, into Main Road, in the event of there being another vehicle in the process of leaving either Landmere Cottage or the proposed dwelling. Adequate space is to be provided within the site for vehicle parking and manoeuvring. Whilst there is no existing footway on the site side of Main Road, it would not be unsafe for residents of the proposed dwelling and their visitors to cross Main Road between the site entrance and the existing footway on the opposite side of the carriageway to access the proposed dwelling on foot. Provided the Internal Drainage Board are satisfied with the arrangements for the protection of their maintenance easement area along Lambert Drain bank, then the proposed dwelling would not be expected to adversely impact surface water flood risk.

In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Informatives

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings

of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Lincolnshire County Council Historic Places

Thank you for consulting us on this application.

The applicant has not provided an assessment of archaeological/heritage potential for the site as required in the NPPF (paragraph 200).

The Site is an undeveloped plot within an area of considerable Roman period activity. Aerial photographs have shown the area surrounding Holbeach Drove is rich in cropmark evidence for Roman settlement and field systems. There are several linear features that could be field or driveway boundaries which are oriented through the Site. As such the application Site has a high potential to contain archaeological remains which would be impacted by the proposed development.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 211). The proposed development comprises Erection of single dwelling & detached garage. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

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 archaeological investigation and mitigation work.

This 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 will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction.

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 200 and 211 and the South East Lincolnshire Local Plan (Policy 29).

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

South Holland District Council Environmental Protection

No comments.

South Holland Internal Drainage Board

Consent is required under Byelaw 3 and 10 but is not currently required under Section 23, Land Drainage Act 1991.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, three letters of representation have been received and have been summarised as follows -

-Concerned as to the size of the proposed building and garage due to it overlooking surrounding bungalows

- Loss of daylight to properties and gardens
- Increased vehicles use which will impact the road, proposed shared driveway is in a bad position as it is off a blind bend. There will be more traffic increasing the danger risk
- Not a shared driveway and is a bridleway
- Outside of the settlement boundary and no tandem buildings are permitted to be built
- Be a blot on the landscape and ruin the look of the village
- There are new builds being built in Holbeach Drove, surely this would have already met the new built quota for the village
- This build adds no credible benefits to our very small community and all I can see is the financial benefit to the individual who is building it
- To put a two storey home that close to three bungalows is nothing more than crazy and does not fit with the type or style of the homes that are currently in situ. This truly is an infringement on privacy. The proposed new dwelling will have a direct view in to surrounding gardens and will compromise privacy
- Object to this being described as a sustainable build

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 Considerations and Drainage
- Biodiversity

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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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.

Planning Considerations

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Main Service Centres, 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.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 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 and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) 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 policy 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.

The application site in this instance is within the open countryside and lies outside any defined settlement boundary as detailed by Policy 1. In context of this, the principle of residential development within this location would typically be considered inappropriate with the principle of such a development not being sound.

Upon correspondence with the planning agent for this application as well details provided within the Design and Access Statement, they aim to combat this issue, which was a reason for refusal on the previous application, through the house being a self-build/ custom housebuilding and references two separate applications that were approved despite being outside the defined settlement boundaries due to them being self-builds. However, it is important to note that these properties are both considered to be infill developments due to them being set between two sites, thus, filling in a gap in the street scene. The proposed site is set to the rear of Landmere Cottage therefore making this specific development 'back land'. Further assessment of the immediate area and the street scene shows that it is apparent that Main Road features a very linear pattern with the majority of dwellings being set forward of their plots with a limited number being of a back land development. Lambeth House is set to the rear of other existing properties and would also be to the rear of the proposed development if approved on site, however, this dwelling is also outside of the settlement boundary shown within the SELLP and therefore this holds minimal weight in the decision of this application as it was clearly constructed prior to the boundary being drawn.

In this instance, the proposal has been submitted as a custom/self build. The Self-build and Custom Housebuilding Act 2015 indicates that authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan specifically refers to self-build & custom build dwellings and indicates at paragraph 5.3.5 that "within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies". It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development *"provided that the material considerations of the Local Plan and particular sites can be met"*.

This latter point is particularly pertinent as it makes clear that permission should only be granted for such sites where there are no material considerations set out within the Local Plan that indicate otherwise. Similarly, an Inspector concluded in a recent appeal decision (APP/A2525/W/18/3218958), despite giving the statutory requirement regarding self-build and custom-build significant weight, that the appeal site was not a suitable location for that type of housing. This demonstrates the above point in practice. Furthermore, the site in this instance lies outside of the defined settlement boundaries and therefore also fails to accord with this, in that the text clearly refers to the anticipation of sites being 'within the defined settlement boundaries'.

The South East Lincolnshire Local Plan makes no exceptions to its spatial strategy for previously

developed land, for existing plots of residential land being subdivided, or for self-build. Policy 17 outlines that the provision of new houses will seek to meet the long term needs of the plan area. However, with reference to custom and self-builders it suggests that the Local Plan will seek to meet these housing needs. It does not state that this should be done in a manner inconsistent with the Plan's spatial strategy policies, including through granting permissions.

With this in mind, it is therefore considered that as the site is in the open countryside this is a material consideration that indicates against the acceptability of this site as it is not in a suitable location for housing despite being a self-build/custom housebuilding due to it conflicting with the policies outlined above in the South East Lincolnshire Local Plan. Furthermore, notwithstanding this, as the proposed development is located outside the defined settlement boundary of Holbeach Drove and being back land, the principle of development is not considered to be sound nor acceptable due to its conflict with Policy 1 and should therefore be refused for both of the above reasons.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) 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.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The materials are the same as proposed previously, this caused concerns on the previous application however did not hold enough weight and were not significant enough to be considered as a reason for refusal in this case. Detailed analysis of the proposed materials will be included in the following paragraphs of the report:

The walls of the proposed dwelling will be made from facing brickwork with render used in some places, dwellings within the immediate area are made from brickwork and therefore this would be considered to match in some respect. It is however noted that the majority of the build will be made from the render and therefore this could be seen as a direct contrast to the neighbouring plots nearby, it is important to note that there is a handful of dwellings whose walls feature a render across all elevations with each being a different colour in this aspect one of which being Landmere Cottage at the site to the north, this therefore can be seen to benefit the scheme. The roof shall be made from tiles which should also be similar to those used on existing dwellings nearby. Finally, the

windows, doors and rain water goods will all be made from grey uPVC, all immediate dwellings feature white uPVC windows and rain water goods with some different door colours, this therefore can also be seen as a direct contrast in this regard.

A detached garage is proposed to accompany the dwelling and will be sited to the front of the dwelling. It will be made from the same materials as the proposed dwelling with an eaves height of 2500mm and a total height of 5000mm. The total length will be around 6015mm and will have a width of 5460mm providing a total internal floor space of 32 square metres. This double garage will act as a storage and allow for vehicles to be stored internally. By using the same materials as the house it allows it to be better suited within the site itself.

From the design and access statement it has been made clear the the eaves and ridge height have been reduced by 800mm, the single storey lounge element has also had the ridge height reduced by 400mm to 'allow a more of a cottage style appearance'. In any case, the ridge height of the dwelling is still 7500mm with the eaves being 4400mm. There is a section that protrudes from the front elevation and sits lower than the host dwelling at 5600mm and the eaves being level. Finally, a smaller rear section is also proposed which will be 5100mm tall and 2700mm to the eaves. Previously, the size of the property was compared to Landmere Cottage to the front, this assessment will be included within this report for consistency. Landmere Cottage sits at around 5800mm in height and 4100mm to the eaves, prior to the re-submission the dwelling around 3000mm taller, it is now around 1700mm almost reducing this gap. These new heights could be seen to fix the previously highlighted concerns, albeit still being noticeably taller, however, as the proposed dwelling is in such close proximity to nearby bungalows the height will still be significantly higher than this and therefore remains unacceptable in its placement due to the size.

Due to the reduction of the dwelling itself, the ground floor area has been reduced by 25sqm and the first floor has been reduced accordingly. The ground floor of the dwelling is larger than the first floor and has a total length of around 16650mm which is split into two sections being the larger front and smaller rear and has a width of 8000mm to the front and 6000mm to the rear - these measurements are very similar to the previous design. On the first floor the length is 12100mm by 8000mm. As such, the internal floor space of the ground floor is around 126sqm and the first floor is 99sqm which creates a 16% and 13% decrease respectively. Whilst the sizes have been decreased this is still an increase in the existing properties in the immediate area, this shall also be assessed against the dwelling to the front of the plot. Landmere Cottage has a floor space of 71sqm (Ground Floor) and 46sqm (First Floor), the difference in these sizes is a 77% increase on the ground floor and a 115% on the first floor. Whilst these are less than the previous design, it is still a substantial increase in floor space in comparison to the nearest plot. There are multiple bungalow in the immediate area and the floor space will ne noticeably higher than these due to the size difference in the plots. When comparing these measurements, with reference to both heights and floor space, the proposed new dwelling is substantially higher than any other nearby property and this therefore ensures that the proposed house will look out of place and incongruous when sited nearby.

Following up on the measurements of the proposal, the design is somewhat identical to the previously submitted scheme but has been reduced in scale. The roofs still incorporate a gable design with a large window strip on the front elevation, the side elevation also features two dormer windows and a separate dormer window operating as part of a Juliet balcony. Large windows are proposed throughout for an increase in natural light to every room. Within the report on the previous refusal, the design was a significant concern and was considered to conflict with the SELLPs design policies for the following reasons '*The windows are prominent design features amongst this proposal which makes it unique to the area it is set in and appear quite a modern scheme in this regard. Typically, the characteristics and designs of the dwellings along Main Road make them appear older and are not of a modern design and do not feature similar features such as these large windows, therefore, this proposal would appear to be out of character and incongruous to the area it is set in*'. Whilst the prominent window designs have been altered and reduced, the design of the dwelling is still modern and thus still appears out of character within its setting - the positioning of the plot the rear of the site also makes it more noticeable and visible when approaching the corner Landmere Cottage sits on coming from Long Lane in particular and therefore should a dwelling of this design be approved in this location it will appear unacceptable and incongruous causing harm to the street scene and locality from a visual amenity point of view.

The layout/floor plan of the ground floor section of the proposal remains unaltered to its previous design, this raised no concerns before and of course raises no concerns now. Furthermore, some changes have been proposed within the first floor section through the removal of Bedroom 2 turning the property from a four bed to a three bed. These changes allow the master bedroom to new

feature a dressing room and en-suite with previous bedroom 3, now bedroom 2, being extended slightly into the previous en-suite to create more internal floor space within this area. Overall, the layout is acceptable and allows the proposal to flow and provides adequate room for residents on site.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal causes an adverse impact to the character or appearance of the area and would therefore be in direct conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

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.

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.

As stated earlier within the report, the previous application was refused for multiple reasons with one stating that 'The proposal by virtue of its scale and siting alongside the small boundary treatments would result in both an overbearing and overshadowing impact upon the existing residents of the bungalows to the south west of the site. Alongside this, the positioning and placement of first floor windows would provide a direct view into these plots rear gardens and therefore result in a loss of privacy. The proposal is considered to be contrary to Policies 2 and 30 of the South East Lincolnshire Local Plan 2019 as well as Paragraph 135 of the National Planning Policy Framework December 2023'. To combat these issues the proposal has altered - this has been outlined in the accompanying Design and Access Statement.

Firstly, in relation to overlooking 'All habitable rooms at first floor level have been positioned to the South-eastern boundary overlooking the drain and not into neighbouring properties. Only rooflights have been positioned on the North-western boundary to give natural light and ventilation to the landing, bathroom, en-suite and dressing room. These roof lights are 1950mm from finished first floor level and will now allow overlooking'. It is therefore considered that the dormer windows operating for the south eastern elevation are not considered to materially overlook or cause harm plus the roof lights should also not provide a material or harmful view in this instance. The new plans adequately deal with concerns previously raised and therefore have now been solved.

In addition to this, with respect to the overbearing and overshadowing impact the previous proposal created - this has also been addressed as the dwelling has been reduced in height by around 800mm with the dwelling also 'been kept close to the garage along the Northern boundary allowing for the two-storey element to finish before the dwelling on the western boundary to remove any impact and overbearing'. Overall, the issues outlined above regarding overshadowing and overbearing impacts have also been resolved and are no longer considered to cause material harm to surrounding neighbouring properties.

Flood Risk and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

These 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in 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.

It is worth noting that large parts of the district of South Holland 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 site lies within both Flood Zone 1 and 2 of the Environment Agency's Flood Maps. The latter 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. However, the maps are broad brush and do not take into account any flood defences. 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 indicates that the site is within an area identified as no danger. Despite this, a flood risk assessment has been provided and the development has been assessed against both the sequential and exception test. The development is considered to pass the sequential test due to the footprint of the proposed dwelling being located within Flood Zone 1, thus suggesting a low level of risk. As mentioned, the site features in both Flood Zone 1 and 2 and is classed as a 'More Vulnerable' development and therefore the Exception Test is not required in this instance, in any case, the FRA takes the test into consideration. The relevant mitigation measures proposed within this document further benefit the scheme and make it acceptable, it is recommended that the flood level of the dwelling is 0.3m above the surrounding ground level, furthermore, there should be 0.3m of flood resilient construction above the FFL. The risk of flooding is lowered as the proposed dwelling has two storeys with the sleeping accommodation located on the first floor which therefore provides a safe space for refuge for residents if the buildings were to become flooded after a major breach of the tidal bank, and ensure there is no danger to residents should flooding arise. The development is therefore considered to be acceptable and pass both the sequential and exception test.

The developers plan to dispose of surface water from the site through soakaways and foul sewage through a package treatment plant, it is important to note that the proposal is within 20m of a watercourse. South Holland Internal Drainage Board were consulted on this application due to a drain running adjacent to the development site, within their response they have stated that consent will be required under Byelaw 3 and Byelaw 10 but not currently required under Section 12 of the Land Drainage Act 1991.

For Byelaw 3 (Surface Water) their comments read as follows *'The application proposes to store surface water in a rainwater harvesting tank and then discharging any overflow to the Board maintained watercourse. This proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. Additionally, Byelaw 3 (Treated Foul Water) states that 'I note that the applicant intends to treat foul waste using a package treatment plant. The package treatment plan will then discharge to the Board maintained watercourse. This proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.'*

Section 23 of the Land Drainage Act 1991 states that *'I note the presence of a Board owned and*

maintained watercourse known as E30 Lambert Drain (DRN196P3003) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).' For this criteria, consent is not currently required.

Finally, under Byelaw 10 they state that the applicant has approached the Board to make an application for consent under this Byelaw for the fencing and gates that are within 9 metres of the Board maintained watercourse. This has been granted. The application will need to submit a further application under Byelaw 10 for the two outfall pipes and headwalls associated with the surface water and treated foul overflow discharge pipes.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of the National Planning Policy Framework 2023 in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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".

In respect of highway matters, 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.

The development proposes a dwelling with three bedrooms, as such there must be at least two spaces for vehicles. From the plans included it is apparent that the development has adequate parking at the front and side of the property with a long shared private drive. The detached garage to the front also meets the requirements to count as an extra parking space.

Lincolnshire County Council Highways were consulted on this application and have requested to include an informative on the decision notice if the application is approved. Despite concerns raised through resident objections about the bridleway, LCCs comments state that 'The changes to the previously refused scheme do not alter the previous response submitted by Lincolnshire County Council. The proposed dwelling is to be accessed via an existing vehicle access crossing and a roadway that presently serves the land to the rear of the host dwelling, Landmere Cottage. This roadway is of sufficient width to allow two-way car movements so it should not be necessary for drivers to have to reverse back out of this entrance, into Main Road, in the event of there being another vehicle in the process of leaving either Landmere Cottage or the proposed dwelling. Adequate space is to be provided within the site for vehicle parking and manoeuvring. Whilst there is no existing footway on the site side of Main Road, it would not be unsafe for residents of the proposed dwelling and their visitors to cross Main Road between the site entrance and the existing footway on the opposite side of the carriageway to access the proposed dwelling on foot'. Therefore there is no reason to refuse this application on Highway grounds in this instance.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats, it makes sure development has a measurably positive impact (net gain) on biodiversity. Developers must deliver a BNG of 10% on site and means a development will result in more or better quality natural habitat than there was before development. There are a list of exemptions from the need for BNG with the developer in this instance believing they are exempt for the following reason(s) -

'this application is for a re-application before the BNG policy came into force and as this application is also for a custom / self-build Project this application will be exempt'

The LPA sought advice from the Senior Ecologist within the SELCP who stated that 'I'm happy accepting the BNG exemption based on their Self-Build Status, however, I don't think that the "re-application" argument holds water without knowing further details about what happened the first time round'. Therefore, if the application was to be approved the developer would be able to sign up to the self-build/custom housebuilding register to ensure the development remains exempt from the need for BNG as under Paragraph 8. (1) the biodiversity gain planning condition does not apply in relation to planning permission for development which consists exclusively of dwellings which are self building or custom housebuilding.

Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion by - individuals, associations of individuals or persons working with or for individuals or associations of individuals. It does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person. The BNG exemption statements outline that the applicant has signed up to the register and is willing to sign a Section 106 agreement that enables them to build their own dwelling and live accordingly with their family - it is worth noting that at this stage the Local Planning Authority have no evidence that the Applicant has signed up to this register. It is considered that if the Applicant was signed up to this register and agreed to a legal agreement the development would be exempt from the need for BNG under the above circumstances.

In addition to this, an Ecology Management Scheme has accompanied the application. This covers off green space creation, buffer strip creation, birds and bats.

Green Space Creation

For green space they will introduce a hedgerow along one or more garden margins to aid with BNG and would be 'aesthetically pleasing'. Furthermore, on completion of the project a species rich hedgerow will be planted along the fence line as well.

Buffer Strip Creation

1-2m buffer strip will also be created adjacent to the hedgerow to 'boost conservation value of the site and protect the hedgerow'.

Birds

To compensate for habitat lost and to enhance ecological value within the site, ecological mitigation measures such as open fronted bird nesting box and close hole bird nesting boxes will be installed on site. Swift bricks will also be installed within the property.

Bats

Finally, two ibstock bat bricks will be installed into the brickwork at eaves level on each building. Alternatively, bats can benefit from two or more bat tiles.

These measures would provide benefits in their own rights and if the application is approved these will be conditioned to ensure they are included within the property and site.

Planning Balance

As detailed above, 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 proposal represents inappropriate development outside the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality, due to its design, size and scale as well as its location outside any defined settlement boundary. There is no material harm to the amenity of nearby residents and provide adequate parking whilst not being in a harmful flood zone and is exempt from the need for BNG.

it therefore conforms with some sections of the South East Lincolnshire Local Plan however in this instance, these are material considerations that weigh against the proposal and as such, the planning balance is not in favour the development.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 4, 29 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023).

More significantly, the development conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP) and the relevant section of the National Planning Policy Framework (NPPF) (December 2023) and these are significant factors that indicate against the proposal and outweigh any benefits or considerations in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.