

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0843-21 **Applicant:** Mr & Mrs J McDowell
Proposal: Residential Development - Erection of Dwelling
Location: Adj. Threeways House Northons Lane Holbeach
Terminal Date: 5th October 2021

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
11	Distribution of New Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2. Achieving sustainable development.
Section 3 - Plan Making;
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 11. Making effective use of land.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	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
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CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a dwelling, with all matters reserved for subsequent approval. The application is accompanied by indicative drawings showing a 2-bedroom bungalow.

Site Description

The site (some 0.06ha) is currently garden associated with "Threeways House". Trees/planting are situated along the frontage and also the western boundary.

Two bungalows ("Blackthorns" and "Hedgerows") are situated to the west and "Longfield House" to the east beyond a drain. Agricultural land is currently situated opposite.

Policies/Constraints

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

Recent Planning History

None

Consultation Responses

Holbeach Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

Land drainage consent will be required to discharge treated foul/surface water to a watercourse in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Public

No comments received.

Planning Considerations

The main issues are:

- Principle;
- Character and appearance;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk.

Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 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. No objections are therefore raised on locational grounds.

Character and appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The dwelling would essentially be sited within the front garden of "Threeways". However, the latter is set well back and the building line within the vicinity of the site is varied, with some properties positioned relatively close to the highway such as "Hedgerows" and a garage associated with "Blackthorns" to the west.

Moreover, the site is within a general area that is allocated for housing (Hob048) and which will no doubt be developed as such in the near future. Applications for residential development are currently under consideration on land to the south and west and also further to the east (ref. H09-0468-16 and H09-0602-20). The present rural character of the site will therefore be affected. Taking all these factors into account it is considered, on balance, that a small bungalow on this site as indicated would not materially harm the character or appearance of the locality.

The proposal therefore satisfactorily complies with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Two bungalows ("Blackthorns" and "Hedgerows") are situated to the west and "Longfield House" to the east beyond a drain. Agricultural land is currently situated opposite.

"Threeways" to the rear has 3 no. first floor windows facing the site. However, they are set back, especially the larger of the three. "Blackthorns" to the west is set further back, with a garage within its front garden area and boundary fencing. "Longfield House" itself is approximately 15 metres from the site and separated by a relatively large drain. It is considered that the erection of a small single storey property would not materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for

dwelling with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The carriageway of Northon's Lane at this point is single track and without footways. However, the presence of existing dwellings here and the recent grant of permission for other new dwellings nearby would make it difficult to evidence that a single additional dwelling would have an unacceptable impact upon highway safety. The connection to the A151 link road at the western end of Northon's Lane has been removed by the relatively recent highway improvement works so there is now no through traffic along this road and vehicle movements are few in number.

Consequently, 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 is acceptable and does not wish to object to this planning application.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Maps. 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. The Maps 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 SFRA indicates that the site is within an area identified as "Danger for Most". However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

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 should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the site is within Holbeach settlement boundary, which is one of the largest settlements within the district. Development is needed in this area to sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework.

Concerning the second element, the Flood Risk Assessment accompanying the application recommends that the finished floor level of the dwelling be set at 3.7m aOD, between 0.4 and 0.7m above typical ground level. Flood resilient construction should also be incorporated within the development up to 300mm above finished floor level and future occupants are advised to sign up to

the Environment Agency's free Floodline Warnings Direct Service.

Drainage

The application form indicates that surface water would be discharged to soakaways. No details have been provided in respect of foul water. This matter can be made the subject of a condition.

Planning balance

The proposal is in a sustainable location for new housing. It is considered, on balance, that a small bungalow on this site as indicated would not materially harm the character or appearance of the locality. Nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. LCC Highways have been consulted and have raised no objections on highway safety grounds. The proposal satisfies the sequential/exceptions tests in terms of flood risk.

The proposal therefore generally complies with the aims and objectives Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019. There are no adverse issues of such weight as to outweigh factors in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.