

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0937-23 **Applicant:** Mr A Clues
Proposal: Erection of single dwelling and detached garage
Location: Rear Of Landmere Cottage Main Road Holbeach Drove
Terminal Date: 1st January 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 places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	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	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 on land to the rear of Landmere Cottage.

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

Consultation Responses

Holbeach Parish Council

No objections.

South Holland Internal Drainage Board

Consent is required under Byelaw 3 but not currently required under Section 23 and Byelaw 10.

Lincolnshire County Council Highways Authority

No objection -

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.

Informative 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>

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.

South Holland District Council Environmental Protection

No comments.

Lincolnshire County Council Historic Places Team

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 droveway 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.

NPPF 2023, para. 205 states ' Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

Therefore, it is recommended that a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured using South Holland District Council's standard conditions AR1, AR2 and AR3. Initially I envisage that this would involve the monitoring of all groundwork's, with the ability to stop and fully record archaeological features. This work should be undertaken by a qualified archaeological contractor to a specification submitted to and approved by the local authority. A suitable report should be prepared for submission to the local authority, the Historic Environment Record and a suitable receiving museum.

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 -

- The dwelling is outside of the settlement boundary
- The proposed driveway is only a bridleway and should not be used as a shared drive
- The drive leads out onto a busy main road and is situated just off a blind bend. Continuous traffic coming out of the proposed development would be very dangerous to all motorists. There is an increased risk of accidents
- It would ruin the look of the village
- The number of new builds will have already met the governments 'new build' quota for our area
- Concerned as to the size of the proposed property due to the side elevation towering over three bungalows, they will be overlooked and lose daylight
- It could affect our sale of our property
- There are no tandem builds in the area
- You can only build on infill land within a village

- We object to this being described as a sustainable build
- An additional four bed house will increase the local population which has no local amenities
- Represents an overbearing effect on neighbours amenity, the site is overcrowded the only green space left are those of SHDB rights of way

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.

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

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

Planning Considerations

Principle of Development

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

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

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Other Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework (NPPF) 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".

Para 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 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 site is located outside Holbeach Drove Settlement Limit as defined within the SELLP. It is therefore regarded as being within the countryside in policy terms. Policy 1 (Spatial Strategy) of the SELLP indicates that development in the countryside will 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.

Paragraph 80 of the NPPF makes provision for new 'isolated' dwellings in the countryside in limited

circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 80 should apply in this instance. There are residential properties immediately forward and adjacent, therefore the site cannot be described as remote or 'isolated' in this instance. Returning to the requirements of Policy 1 of the SELLP, as previously mentioned, it has not been demonstrated that residential development is necessary in this particular location; for example, in conjunction with agriculture, another rural based business or affordable housing. The relevant factors have therefore been addressed as follows -

An Economic Role - The development may give limited support to the local economy through employment opportunities associated with some elements of construction and fitting out, and future occupants may work locally and support local services. This support/ increase would be very minor.

A Social Role - The proposal would make a contribution, albeit small, towards housing supply in the District. However, no explanation has been submitted why the development cannot be accommodated within an existing settlement boundary. It is also worth noting that the LPA can identify a 5-year housing land supply and is able to demonstrate a supply of deliverable sites.

An Environmental Role - The environmental objective identifies the need to protect and enhance our natural, built and historic environment. It has not been demonstrated that the development is necessary in this location and how it would protect/ enhance the existing character of the area.

If permitted, the proposal would also encourage further applications of a similar nature in the open countryside which would then be hard to resist, contrary to the objectives of the Framework to pursue sustainable development and the aim to protect the character of the countryside.

The proposal would introduce new residential units in the countryside. It has not been demonstrated how the benefit of such a proposal would outweigh the impact upon the environment. Whilst other material planning considerations could be accepted, the principle of the development would not be considered acceptable given the site is in the open countryside.

The proposal therefore conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, December 2023. Paragraph 135 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 seeks to protect the character of the countryside.

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 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.

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.

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.

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 and will be sited to the front of the dwelling, it will be made of the same materials as the house with an eaves height of 2500mm and a total height of 5000mm. It has a total length of 6000mm by 6500mm providing a total internal floor space of around 32 square metres. This double garage will act as storage and allow for vehicles to also be stored there. By using the same materials as the dwelling it allows it to be better suited to the site.

The ridge height of the main dwelling shall be around 8300mm with the eaves coming up 5000mm, there is a part that slightly protrudes from the front elevation which is slightly lower than the previously mentioned part with the eaves being at the same level and the ridge sitting at around 6900mm only slightly less than the higher part. A small section coming from the side means that the ridge of this part will be similar to the eaves of the main house being at 5500mm with the eaves of the lower part being 2700mm. When comparing the heights to Landmere Cottage (the dwelling to the north) it sits at around 5800mm to the ridge and 4100mm to the eaves, this shows that the proposed dwelling is just under 3000mm taller than the existing Landmere Cottage, this can therefore be seen that the overall size difference in this instance is quite substantial. Furthermore, the proposed dwelling shall sit behind a row of three bungalows and again this will be significantly taller and more substantial than these plots.

The ground floor of the dwelling is slightly longer than the first floor, it shall have a total length of around 19500mm with a width of 8000mm to the front and slightly narrower at the rear being 7200mm. On the first floor the length is around 14000mm having the same width on both sides being 8000mm. As such, these measurements show that the internal floor space of the ground floor is around 151 square metres and the first floor is 114 square metres. Again, when compared to the existing Landmere Cottage the internal floor space of both floors are considerably more acting as a substantial increase in this regard. For Landmere Cottage their floor space sits at 71 metres square on the ground floor and 46 square metres on the first floor, this therefore is an increase of 112% for the ground floor and 114% for the first floor. As mentioned previously, there are a set of three bungalows to the north west of the site and the floor space is of course significantly higher than these. When comparing the measurements including the heights and floor spaces the new proposed dwelling is substantially higher than other nearby dwellings and this therefore ensures that the proposed house will look out of place when compared to the immediate nearby properties.

The layout of the dwelling features a large hall area with the stairs leading to an adjacent office, WC and storage cupboard. Access to the rest of the ground floor is provided through this area, the kitchen shares its space with a dining room which leads into the lounge at the rear most room in the house. A snug can be accessed through a door in the dining room to be used as another living area. The lounge at the rear is in the smaller side section coming off the rear elevation, it features bi-fold doors on two separate elevations providing access into the rear garden. On the first floor the landing has a gallery area to the front of the house which overlooks into the entrance hall, the landing leads into bedroom four at the front with bedroom three directly to the rear. Opposite this area there is a shared bathroom which has bedroom two behind. Finally, directly opposite there is the master

bedroom which features a dressing area, en-suite and a Juliet balcony providing a view into the garden.

The overall design of the property features gable roofs on all elevations including the garage, along the front elevation there are large glass panes from top to bottom on the part that protrudes from the front elevation. Similarly, this is featured at the rear also with large glass panes on the top half and bi-fold doors at the rear. On the opposite side on the front elevation there features a narrow strip of glass from the eaves to the ground floor level allowing natural light into the office and bedroom four. 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.

The proposed erection of a single dwelling directly conflicts against Policy 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework due to its design, size and layout making it appear incongruous and out of character.

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) set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

On the side elevation facing the nearby neighbouring plots there are two windows, one of these as a window for the shared bathroom. Due to the nature of this room this window will be obscure glazed and therefore not provide a view into a neighbour. However, the other window on this elevation is for bedroom two at the rear, as this is a bedroom this is considered to be a habitable room and therefore any view this may provide would be considered to cause a direct loss of privacy. This window would be directly facing the rear garden for the aforementioned row of bungalows to the north west as well land to the north of Sambeth House, there is no protection provided from existing boundary treatments as along this curtilage there is a small hedge and mesh fence to the rear of this. In this instance, the LPA take the view that this window provides a direct view into the amenity spaces for these properties and therefore results in a loss of privacy as a result.

The plot sits around 6m away from the boundary to the nearby neighbouring bungalows, there is an existing hedge on this elevation which is significantly shorter than the proposed house. It is considered that due to an array of factors such as the minimal distance to the boundary, the small boundary treatment, size of the dwelling and positioning of the plot that this dwelling would cast a significant shadow onto the plots to the west and therefore cause a material loss of light in this instance. Alongside this, for the aforementioned reasons regarding the distance to boundary, size of boundary treatment and dwelling and the positioning this dwelling once developed would appear overbearing to the neighbouring plots and therefore provide further significant issues.

The development therefore, by virtue of its size, closeness to boundaries, positioning and placement of windows results in a significant loss of amenity to residents through overshadowing, overlooking and appearing overbearing. As a result, the scheme conflicts with policies 2 and 3 of the SELLP and Section 12 of the NPPF.

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.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. 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 as the footprint of the dwelling is located within Flood Zone 1 and therefore based on the level of risk at this site it is considered to pass in this instance. 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 but not currently required under Section 12 of the Land Drainage Act 1991 and Byelaw 10. For Byelaw 3 (Surface Water) their comments read as follows *'The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse.'* Furthermore, in relation to the Design and Access Statement an overflow soakaway will be installed that can be connected to the drain if required and this would require consent under Byelaw 3. It is important for the applicant to note that any discharge must be in line

with the standards the IDB set out to ensure consent can be granted.

Additionally, the second part under Byelaw 3 for Treated Foul Water states that *'I note that the applicant intends to treat foul waste using a package treatment plant, which then enters an overflow soakaway. As above, if a strategy reliant on infiltration is not feasible at this site, and the application proposes to discharge treated foul water to the Board maintained watercourse instead, consent would be required under Byelaw 3'*, it is therefore clear that consent is not currently needed however it is important to note that it could be if the package treatment plant was to be altered. Section 23 of the Land Drainage Act 1991 states that *'I note the presence of a Board Owned Maintained watercourse known as E30 Lambert Drain adjacent to the eastern site boundary. Whilst not currently proposed, should the 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. Should the proposal include works to alter a watercourse or any time in the future, consent would be required under the Land Drainage Act 1991 (any Byelaw 4)'*. Finally, under Byelaw 10 they state that the applicant has made an application for consent for the fencing and gates that are within 9m of the maintained watercourse which has been granted. *'It appears from the plans provided that the applicant does not intend to carry out any further works within 9m of the watercourse. However, should the applicant's proposal change to include any additional works within 9m of the watercourse at any time in the future, a separate consent would be required under Byelaw 10'*.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (December 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 four bedrooms, as such there must be at least three 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 as it larger than 2.6m by 5.6m when measured internally.

Lincolnshire County Council Highways were consulted on this application and have requested to include an informative on the decision notice. Despite concerns raised through resident objections about the bridleway, LCCs comments state that '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 in the event of there being another vehicle in the process of leaving either dwelling'. They also believe that adequate space is provided for parking and manoeuvring. Attention has been brought to the lack of a footway on the site side of Main Road however this has been justified through stating that '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'. As such, this development is considered to be acceptable on highway safety.

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 Balance

As detailed above, 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 proposal represents inappropriate development outside the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality, as well as the amenity of nearby residents. It does however provides adequate parking and proposed relevant mitigation measures.

In this instance, there are significant material considerations that weigh against the proposal and as such, the planning balance is against the favour of 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 the above considerations into account, the proposal is considered to be in accordance with Policies 4, 36 and Appendix 6 of the SELLP, along with the identified sections contained within the NPPF. It is however, in direct conflict with Policies 1, 2 and 3 of the SELLP along with Section 12 of the NPPF, these are significant factors that indicate against the proposal and outweigh the

consideration against the scheme 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.