

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1014-21 **Applicant:** T Johnson
Proposal: Residential Development - Erection of Dwelling
Location: Rear Of 64 Wignals Gate Holbeach Spalding
Terminal Date: 19th November 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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	1	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a two-bedroom bungalow.

Site Description

The site (some 0.03ha) is currently residential curtilage located at the rear of nos. 64 and 66 Wignals Gate. Part of the site is presently occupied by a large outbuilding.

Nos 62 and 64 (semi-detached houses) are located along the frontage and gardens to the east and west. Public open space associated with John Harrison Way is located to the north and no. 6 John Harrison Way is situated to the north-east.

It should be noted that planning permission was granted in 2018 for residential development on land (0.05ha) at the rear of No. 72 Wignals Gate further to the west (ref. H09-0186-18).

Recent Planning History

None

Consultation Responses

Holbeach Parish Council

No objections.

Cllr F Biggadike

Support. All properties on this side of Wignals Gate had large gardens no longer required today and much has been used for housing land that would otherwise become a derelict waste ground.

LCC Highways

Does not wish to restrict the grant of permission.

SHIDB

Note that the applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that a drainage strategy or plan has been provided. We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Public

Objections/comments received (summarised):

- Request that the access opposite The Laurels is kept clear. Works vehicle presently parks here which makes exiting The Laurels hazardous due to restricted visibility.
- Road subject to H09-0326-17 should be completed.

Planning Considerations

The main issues in this case are:

1. Policy/principle;
2. Character/appearance;
3. The likely effect of the development upon the amenity of neighbouring residents;
4. Highway safety/parking;
5. Flood Risk/drainage.

Policy/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 (Spatial Strategy) indicates that within 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 to meet the service needs of other local communities. No objections are therefore raised in locational terms.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area.

The above policies 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.

Existing residential development along this section of Wignals Gate is predominantly frontage. Although permission has been granted for residential development on a plot at the rear of No. 72 Wignals Gate further to the west (ref. H09-0186-18) it is more spacious. The proposed dwelling is sited on a relatively small backland plot (some 0.03ha) at the rear of nos. 64 and 66. It is considered that the proposal would constitute a cramped and inappropriate form of backland development that would be out of character with the area. The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP.

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.

Nos 62 and 64 (semi-detached houses) are located along the frontage and gardens to the east and west. Public open space associated with John Harrison Way is located to the north and no. 6 John

Harrison Way is situated to the north-east.

The plot is restricted in size and is close to neighbouring dwellings. Access would be between nos. 62 and 64 and in close proximity. The general relationship of the proposed dwelling to neighbouring properties is such that the amenity of neighbouring residents would be materially harmed by virtue of general noise and disturbance, including future occupiers using the private drive.

Overlooking, overshadowing/blockage of light are not considered to be significant concerns in this case. Blockage of view and de-valuation of property are not material planning considerations and therefore carry no weight.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP 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 dwellings with 3 or less bedrooms should be provided within the curtilage.

An existing access would be utilised and there would be adequate space for the parking and turning of 2 vehicles. The County Highways Authority has raised no objections on highway safety grounds. The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.

Flood Risk/drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood 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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South East Lincolnshire SFRA indicates that the site is located within an area identified as Low Hazard. Nevertheless, there are areas elsewhere within the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

In terms of drainage, foul water would be disposed of via the mains sewer and surface water via soakaways, subject to percolation tests. This matter could be addressed by means of a condition if permission was forthcoming.

Planning Balance

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. However, the proposal would constitute a cramped and inappropriate form of backland development that would be out of character with the area. Moreover, it would materially harm the amenity of nearby residents in terms of noise and disturbance, including vehicles using the private drive.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 states that sustainable development considerations should be met in relation to such matters as impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area. They also set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions.

The above policies 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. Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Moreover, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps and the South East Lincolnshire Strategic Flood risk Assessment indicates that the site is located within an area identified as Low Hazard. Nevertheless, it is possible for development of this nature to be delivered within areas of the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the South East Lincolnshire Local Plan, 2019 and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

Conclusion

The planning balance is not in favour of the proposal.

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.

Recommendation

That the application be refused under delegated powers.