DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1014-22**	**Applicant:**	**Mr P Goodacre**
Proposal:	Proposed pair of semi-detached dwellings		
Location:	Land Adj 1 Wicks Row St Marks Road Holbeach St Marks		
Terminal Date:	20th December 2022		

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 2021

Section 2- Achieving sustainable development.
Section 4- Decision-making
Section 5- Delivering a sufficient supply of homes
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	1	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application, seeking planning permission for a proposed pair of semi-detached dwellings to the land adjacent to 1 Wicks Row, St Marks Road, Holbeach St Marks.

Site Description

The site is situated within the 'Other Service Centres and Settlement' of Holbeach St Marks, according to Policy 1 in the South East Lincolnshire Local Plan, 2019.

The site is relatively large and sits opposite the Lincoln Lane junction. It is currently garden area associated with No. 1 Wicks Row. A terrace is situated to the east and a detached house to the west.

History

H09-1044-18 - FULL- Approved on 10-12-18- Proposed pair of semi-detached dwellings.

Consultation Responses

Cllr C N Worth

Support.

This has been a very untidy site for many years so delighted to see it will finally be improved with this semi-detached house. Lowering the eaves of the houses is visually important and fits better with those houses surrounding it. I would emphasise the need for off street car parking as we are finding that cars are now parking on both sides of the street leaving very little room for the extremely large tractors, sugar beet harvesters etc to get through. Some cars have been damaged as a result.

South Holland IDB

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application.

Byelaw 3 (Surface Water)
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. In this case, consent would be required under Byelaw 3. 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.

Byelaw 3 (Treated Foul Water)
I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Section 23, Land Drainage Act 1991. 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).

Byelaw 10
There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw
10 does not apply.

Environment Agency

This proposal comes under cell D8 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice.

Local Highway and Lead Local Flood Authority

No objection subject to Planning Conditions.

This is a re-submission of a previous application under H09-1044-18 that was granted planning approval. The applicant did engage with the Highway Authority at pre-application stage and again in September 2022, where it was suggested that at this location, the car parking for the residents of the host dwelling could be safely accommodated on the carriageway, as it appears to be the practice of the neighbouring residents and that just two off-street parking spaces are provided for the pair of semi detached dwellings in the form as shown on the submitted drawing, in the form of parallel to the line of St Marks Road at the edge of the carriageway. Therefore, our comments remain the same and it is considered that the proposals would not result in an unacceptable impact on highway safety.

Planning Considerations

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2021, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is within the settlement limit for Holbeach St Marks (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan, 2019. Policy 1 states that within the settlement boundaries of the Other Service Centres and Settlements, 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. Development will normally be limited to Committed sites and infill.

The site is located between a number of properties and therefore can be considered infill. It has also previously been granted planning permission for two dwellings (ref. H09-1014-22), which has now expired.

Flood Risk and Drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency 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. The South East Lincolnshire Strategic Flood Risk Assessment (2017) is therefore used to apply the sequential test. In this respect, the site is in an area designated as "Danger for Most". However, it is not possible, consistent with wider sustainability objectives, for all new housing within the district to be delivered within an area of no risk and this is not the most severe category.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should 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 set out two elements to the Exceptions Test.

In terms of the first element, 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. The site is within Holbeach St Marks settlement limit within the South East Lincolnshire Local Plan (2019), which makes provision for frontage infill within the village.

In terms of the second element, Fluvial and Tidal Depth Mapping indicates a depth of 0.5-1m, so FFLs should be set at 1m above existing ground level. Flood resilient construction should also be incorporated within the development up to 300mm above the predicted flood depth. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

In terms of drainage, foul water would be disposed of via a package treatment plant and surface water via soakaways. Ground conditions are considered suitable in this location.

Character and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed materials include a smooth off-white render, with brickwork from the ground level to the finished floor level. Weathered clay roof tiles, heritage green UPVC windows and black rainwater goods are also proposed. The proposed external materials are not unduly out of keeping with the surrounding dwellings, as there are a variety of brick and rendered properties along St Marks Road.

Due to flood risk there will be a requirement to raised finished floor levels to 1m above ground level. Whilst this is not an ideal situation in visual terms, a precedent has already been set on this site by virtue of the previous consent allowing levels to be raised by 1m. There is therefore not considered to be sufficient justification to refuse the application on character grounds.

Taking the above into account, the proposed pair of semi-detached dwellings are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impacts upon neighbouring residential amenity

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

In terms of amenity, a terrace is located to the east and a house to the west. The latter has a blank gable end on its eastern elevation. The rear elevations to the north of the proposed dwellings would be approx. 48m away from the rear elevation and would therefore, be considered a sufficient distance in terms of overlooking impacts, subject to appropriate boundary treatments being in place (see below). The window to the dwelling to the east would not be overlooked given that there are no side elevation windows proposed to the east elevation of Plot 2.

The required raising of floor levels by 1m would not significantly impact upon the amenity impacts of nearby residents, subject to appropriate boundary treatments being secured. There is a large separation distance to the dwellings to the rear, the dwelling to the west has a blank side elevation and the side elevation window to the property to the east appears to be a secondary window.

Overall, it is considered that the proposed development would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Taking the above into account, the proposed pair of semi-detached dwellings are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Highway and Parking Provision

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.

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision.

2 no. car spaces must be provided within the curtilage for dwellings with up to 3 no. bedrooms. The County Council Highways Officer was consulted on this planning application and have raised no objection to only 2 off street parking spaces being provided for the pair of semi detached dwellings, commenting that parking could also be safely accommodated on the carriageway in this instance, as it appears to be practice of the neighbouring residents.

Therefore, the proposed parking provision complies with Policy 36 and Appendix 6 in the SELLP, 2019.

No highway safety concerns have been raised.

Planning Balance

The proposal would sit 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. The site is within Holbeach St Marks settlement limit within the South East Lincolnshire Local Plan, 2019, which makes provision for frontage infill within the village. The proposed pair of semi detached dwellings would not materially harm the character or appearance of the locality or amenity of nearby residents.

The planning balance therefore lies in favour of the proposal.

Conclusion

Based on the reasons outlined above, the recommendation is for a delegated approval.

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.