

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H09-1130-21      **Applicant:** Mr J Bingham  
**Proposal:** Proposed bungalow and detached garage  
**Location:** Plot Rear Of 2 Cranmore Lane Holbeach Spalding  
**Terminal Date:** 31st December 2021

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### 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           |
| 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       | 1       | 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 |
| RESIDENTS     | 1 | 0 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The application seeks full planning permission for the erection of a 3 bedroom bungalow with a detached garage to the rear of no.2 Cranmore Lane.

### **Site Description**

The site is located off Cranmore Lane, within the Holbeach settlement boundary. It is part of the residential garden associated with no.2 Cranmore Lane. The garden is generally flat with some small trees and planting and approximately 30 metres long. The site is access is off Cranmore Lane and is bounded by rear gardens to the south and north and open fields to the west. The immediate are comprises a mixture of single and two storey dwellings fronting the street. The site is within the Environment Agency flood zone 3.

### **Recent Planning History**

No relevant planning history.

### **Consultation Responses**

#### **Holbeach Parish Council**

No objections.

#### **LCC Highways**

No objections subject to conditions/informatives.

#### **South Holland Internal Drainage Board**

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. 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). Any alterations to a watercourse will require consent from the Board Byelaw 4).

#### **Environmental Protection**

No comments or objections.

#### **Residents**

One letter of objection has been received siting concerns of overlooking and loss of privacy.

### **Planning Considerations**

#### **Principle of development**

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. The scheme is therefore acceptable in principle.

### Layout, Design, Size and Scale

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 Cranmore Lane is predominantly facing the street. The proposal would go against the current built form and result in backland development. Furthermore the proposed subdivision of the site would result in an inappropriate and cramped appearance and overdevelopment of the site with little outdoor amenity space afforded to the existing and proposed dwellings.

It is accepted that there are examples of backland development further down the street towards the south-east, to the rear of no's 13-29a Cranmore Lane. However, this is historic development which was not considered under the current Development Plan. In addition, the dwellings on this part of the street sit on bigger plots than the application site therefore they could be accommodated more comfortably.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF.

### **Residential 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.

The closest dwelling to the proposed development would be no.4 Cranmore Lane. This neighbour has objected to the proposal on grounds of overlooking and loss of privacy from the proposed windows in the side elevation of the new bungalow facing this neighbour. The concerns are noted, however, it is not considered that the development would result in any unacceptable overlooking or loss of privacy given the proposed dwelling would be single storey and the windows would not offer any significant views above the boundary fence.

With regards to the neighbour to the north, the proposed dwelling would be located approximately 3.2 metres from the shared boundaries and would sit adjacent to the rear gardens of these neighbours. Given the proposed driveway would extend almost the entire depth of the site the amenity of neighbouring residents would be materially harmed by virtue of noise and disturbance from future occupiers of the proposed bungalow using the private drive. In addition, given the close proximity of the proposed structure to the northern boundary some overshadowing is also likely to result on no's 83 and 85 Hall Gate.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP in terms of

amenity.

#### Parking/Highway safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage. The proposed dwelling would have 3 bedrooms therefore 2no parking spaces would be required for this and it is not clear how many bedrooms the existing dwelling has, however, a maximum of 3no spaces would be required for the existing dwelling.

The proposed garage associated with the new bungalow meets the site requirements for enclosed parking spaces and additional space is shown in the driveway therefore the proposed bungalow would have sufficient parking provision.

The current parking provision for the existing dwelling would be lost and no new parking is indicated on the submitted plans. However, it is considered that sufficient parking could be achieved for the existing dwelling to the front/side of the dwelling. As such minimum parking standards could be ensured.

In addition, the Local Highways Authority has raised no objections on parking/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 SFRA shows that the site is not at risk of flooding for the 1 in 100-year river and 1 in 200-year tidal events. The refined map shows that the site falls into the equivalent flood zone 1, and as a result a sequential test is not required. The FRA indicates that subject to mitigation measures such as raised floor levels there would be low or no risk of flooding.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Onsite rainwater will discharge to a soakaway and foul water is proposed to discharge to a mains sewer. South Holland Internal Drainage Board has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. 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). Any alterations to a watercourse will require consent from the Board Byelaw 4).

The design of the development is appropriately resilient to the effects of flood risk and overall climate change indicated within Policy 4 of SELLP. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway will be tested and subsequently approved at a later stage by SHDC Building Control.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

### 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 from vehicles using the private drive.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

### **Conclusion**

Taking into account the considerations above, the proposed development fails to comply with Policies 1, 2, 3, 4, 10, 11, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 4, 5, 11, 12 and 14 of the National Planning Policy Framework (NPPF), 2021.

### **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.