

## DECISION DELEGATED TO HEAD OF PLANNING

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|                        |                                                                                                           |                   |                               |
|------------------------|-----------------------------------------------------------------------------------------------------------|-------------------|-------------------------------|
| <b>Application No:</b> | <b>H19-0611-23</b>                                                                                        | <b>Applicant:</b> | <b>Mr &amp; Mrs S Durston</b> |
| <b>Proposal:</b>       | Proposed single storey dwelling including new vehicular/pedestrian access for existing dwelling (No. 279) |                   |                               |
| <b>Location:</b>       | Rear Of 279 Broadgate Sutton St Edmund Spalding                                                           |                   |                               |
| <b>Terminal Date:</b>  | 31st August 2023                                                                                          |                   |                               |

## 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                        |
| 17         | Providing a Mix of 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

NPPF 2021.

Section 2. Achieving sustainable development

Section 4. Decision-making

Section 5. Delivering a sufficient supply of homes

Section 8. Promoting healthy and safe communities

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

Section 15. Conserving and enhancing the natural environment

## Representations:

|  | Object | Support | No Obj. | Comments |
|--|--------|---------|---------|----------|
|--|--------|---------|---------|----------|

|                                     |   |   |   |   |
|-------------------------------------|---|---|---|---|
| PARISH COUNCIL                      | 1 | 0 | 0 | 0 |
| WARD MEMBER                         | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT             | 0 | 0 | 0 | 1 |
| NORTH LEVEL INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL                       | 0 | 0 | 1 | 0 |
| OTHER STATUTORY BODIES              | 0 | 0 | 0 | 1 |
| RESIDENTS                           | 4 | 0 | 0 | 1 |

|                                        |           |   |           |  |
|----------------------------------------|-----------|---|-----------|--|
| Route for determination of application | Delegated | X | Committee |  |
|----------------------------------------|-----------|---|-----------|--|

## **CASE OFFICER ASSESSMENT**

### **REASON FOR PANEL CONSIDERATION**

Number of objections and amenity concerns.

### **Proposal**

This is a full planning application for a proposed residential dwelling on land to the rear of No. 279 Broadgate, Sutton St Edmund. This proposal seeks to provide a single storey dwelling comprising two bedrooms both with en suits, a living/kitchen/dinning room, along with a utility room and a wc. Proposed materials of construction are Facing brickwork in red, with orange concrete interlocking pantiles. The door and window frames will be cream UPVC. Finished floor levels are to be set at a minimum of 300mm above the existing ground level on site.

### **Site Description**

The application site is located to the rear of 279 Broadgate in Sutton St Edmund. The site is accessed via a shared drive off Broadgate and is largely screened from the main road by the existing dwelling and high hedging.

The site lies within the defined settlement boundary of the area, which is characterised by residential properties of varying ages, scales and designs. The site also lies within Flood Zone 2 and 3.

### **History**

H19-0885-20 - Conversion of existing agricultural building to one four-bed dwelling - Approved January 2021

H19-0677-18 - Conversion of existing agricultural building to one four-bed dwelling - Approved August 2018

## Consultation Responses

### Initial Responses Received (Consultation period between 11th July 2023 - 01st August 2023)

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

#### Sutton St Edmund Parish Council

The Parish Council objects to the planning application due to the following:

- 1.) there's no existing building to convert.
- 2.) back fill, with scope for more than one development.
- 3.) close to village hall - not a suitable site to build a new build and likely to lead to further time restrictions on usage of village hall, despite village hall being there first!
- 4.) outside natural curtilage of existing property for permitted development.
- 5.) significant disturbance to 277 due to driveway running adjacent to their property

#### North Level District Internal Drainage Board

My Board has no objection in principle to the above application, however a formal application will be required for any new outfalls into the riparian drainage network.

#### Historic Environment Officer

No archaeological input required.

#### SHDC Environmental Protection Officer

No Comments

#### LCC Highways/SUDS

No objection:

The proposed dwelling is to be accessed by means of the existing vehicular access for number 279 Broadgate, with the host dwelling to be accessed by means of a new vehicle access, which is to be constructed adjacent to the existing access. The existing vehicle access also provides access to a dwelling at the rear of number 279, granted Consent under H19-0885-20. The existing access is considered to be suitable to serve both the dwelling at the rear and the dwelling being proposed in this Application - having served both number 279 and the rear dwelling. The proximity of the proposed new access, to the existing access will not be a highway safety issue. The proposed dwelling is to have space for manoeuvring and off-street parking for two vehicles, as is number 279.

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.

## Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, six letters of representation have been received.

These can be summarised as:

- Concerns regarding shared access and right of way
- Questions relating to soak aways on shared access
- The new building will cause too much traffic that will need to enter and exit the drives
- The new drive will be directly opposite a neighbouring drive
- Turning is difficult on the road
- Take away privacy

- Headlights will shine directly into neighbouring dwellings
- Do not want months of further disruption
- 279 uses the property as a business which transport is required to take merchandise to and from the dwelling
- Overlooking concerns
- There is already multiple 10ft contains in the grounds increasing noise
- Its already a constant flow of cars, vans and lorries
- Already a busy road
- Braodgate only has a pavement on that side of the road
- Too many properties on one plot
- Sets a precedence

## **Key Planning Considerations**

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage

## **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 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

### Principle of Development and Sustainability

The South East Lincolnshire Local Plan 2019 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 2019 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 2019 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 Other Service Centres will

normally be limited to Allocated and Committed sites and infill.

The application site in this instance is within Sutton St Edmund, an Other Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In this context, the principle of residential development within this location would typically be considered appropriate, where development comprises infill development or that on committed sites.

Whilst it is noted that the site lies within the defined settlement boundaries, Policy 1 identifies that within Other Service Centres development would 'normally' be limited to infill development. Although this does not specifically identify that all development proposals within 'Other Service Centres' must be infill or committed sites, this is a consideration of the policy. In this context, development that is not considered infill development or on a committed site, should typically be limited to those that have a justifiable reason to be located in such sites, such as conversion of existing built forms within the settlement boundaries, or that which corresponds appropriately with the surrounding context.

To provide further context, the supporting text identifies in relation to Other Service Centres', that "A significant number of these settlements are linear in form; it is seen as a particularly important function of the settlement boundary to stop further incremental linear extensions. The scale of development opportunities that might arise were a less restrictive approach to be taken would threaten the spatial strategy of the Local Plan to provide for housing in the settlements of greater need and which offer sustainable bases for development of a larger scale".

In this instance, the development does not comprise infill development, in that it does not seek to infill a 'gap' within an otherwise built up area. The proposal comprises 'backland development', demolishing existing outbuildings that are of no notable value and erecting a single bungalow. Although recent approval under Class Q has been obtained and a community building in the form of a hall are located set back from the highway, the surrounding area is predominantly characterised by linear form of development, whereby the residential properties are sited as such to be immediately fronting the highway, albeit with slight variations in respect of separation distances and with front curtilages. The linear form is of typical character within the district for 'Other Service Centres' as described within the supporting text of policy 1. As such, in a settlement in which development of sites that are not infill development should be limited, a backland development within an area predominately characterised by a linear form of development is not considered to be an appropriate form of development and is not considered to be in accordance with Policy 1.

As such, the proposal is not considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan 2019 when viewed in principle. Assessments against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, are also discussed in turn as follows, which includes further concern in respect of its cramped form.

#### Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2021) 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 130, contained within section 12 of the National Planning Policy Framework (2021), 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 2019 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 2021, 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 application site, in this instance, currently consists of land associated with 279 Broadgate, Sutton St Edmund, which comprises outbuildings and a parking area. The property itself is a detached dwelling fronting Broadgate, providing a continuous linear form of residential dwellings along Broadgate. The spaciousness of the application site, in respect of its rear amenity area, is also considered to be consistent with the rear gardens of other dwellings within the vicinity.

Beyond the application site, to the west, is a large grassed area and a barn that has been subject to a recent conversion and is currently being resided within, following approval under 'Class Q'. To the southwest lies numerous shipping containers, which the Local Planning Authority are currently unsure of their lawful nature, and to the west is a neighbouring dwelling, with the site lying within an area that is predominantly residential in nature.

Whilst it is noted that the aforementioned barn conversion lies to the west, beyond the predominant built form along Broadgate, and the built form comprising the village hall is set back from the highway in comparison to the immediately neighbouring properties, the predominant characteristic of the surrounding area is that of a linear form of development; whereby residential dwellings lie fronting Broadgate, with a degree of separation by way of a front residential curtilage. Therefore, whilst there is not a specific uniformity in the size of plots or the positioning of dwellings in relation to the public highway, the presence of road frontages and the predominant prevailing character of a linear form is consistent.

Beyond the immediate vicinity, it is also noted that larger agricultural style buildings lie within land set to the west of the properties, this is development of a more rural character, as is that of the barn conversion approved under Class Q, which is somewhat distinctive in comparison to the standard residential development hereby proposed. Overall, it is considered that a residential property, with this backland siting, is somewhat at odds with the prevailing character of the immediate surrounding area.

The proposal would result in the reduction of the existing amenity space associated with the existing dwelling, to allow for the erection of an additional bungalow. The dwelling would be set back from the frontage of Broadgate and would be somewhat out of keeping with the existing linear form along Broadgate, albeit this is not entirely consistent. In this respect, the proposal would form a backland development, somewhat at odds with the existing layout of dwellings in the vicinity of the application site, lacking a road frontage.

Whilst being within a backland position and largely screened by established hedging, the shared access to the site would result in the site being partially visible in the gap. Beyond this visibility, the proposed dwelling would occupy a large part of this immediate proposed site, giving it a cramped feel in respect to the more spacious feel of the host dwelling and those residing along Broadgate. As such, the proposal, in comparison to the prevailing character of the area, would provide a cramped and contrived form of development.

Overall, the application site is considered to be insufficient for the siting of an independent dwelling of the nature proposed; leading to an unreasonable development of the site. The proposed dwelling, due to its essentially contrived form of design, would therefore cause a detrimental impact to the visual amenities and character of the area, of Broadgate.

It is considered that the proposed development is unacceptable, would cause an adverse impact to the character and appearance of the area. The erection of this dwelling would result in an excessive

development of the plot, with the design and style of the proposed development being out of keeping and would introduce an incongruous element to the character and general appearance to the area. Collectively, these factors mean that the proposal would cause unjustified harm to the character and appearance of the area, and thus be contrary to policies contained within the South East Lincolnshire Local Plan 2019 and the National Planning Policy Framework 2021.

Taking account of the design, siting and nature of the development, as detailed above, the proposal is not considered to be acceptable. The proposal would cause an adverse impact to the character or appearance of the area and would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and Section 12 of the National Planning Policy Framework 2021.

#### Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2021) 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) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development is of a single storey property, with its most immediate neighbouring property being that of the existing dwelling of 279 Broadgate. The proposed dwelling, given its single storey scale and its design, is not considered to cause an unacceptable impact upon the residential amenities of neighbouring occupiers, including those of the existing property at 279 Broadgate.

Notwithstanding this, the proposed development is within close proximity to the existing dwelling which is of a sizeable two storey scale, comprising a minimal separation distance between the two resultant built forms and their associated amenity spaces. The proximity, coupled with the siting of the proposal, layout of the proposed property and the scale of the existing dwelling, results in the feeling of an oppressive and overbearing nature towards the future occupiers of the proposed dwelling, further highlighting its contrived form. Beyond this, due to the above, the existing dwelling is also considered to lead to potential overlooking and loss of privacy to the future occupiers of the proposed dwelling and as such, creating an unacceptable impact to the resultant residential amenities of future occupiers, resulting in an unacceptable form of development.

As detailed above, the scale and siting of the proposal, coupled with the close proximity and lack of separation distance to the existing property of 279 Broadgate, it is considered that an unacceptable impact would be caused to the residential amenities of the future occupiers of the proposed development. As such, the proposal is not considered to accord with the provisions of the Section 12 of the National Planning Policy Framework 2021, or Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

#### Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) 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 2019, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The highway in which the site would gain access, Broadgate, is relatively straight and predominantly residential in nature, with a footpath on western side of the carriage way.

The proposed dwelling is to be accessed by means of the existing vehicular access for number 279 Broadgate, with the host dwelling to be accessed by means of a new vehicle access, which is to be constructed adjacent to the existing access. The existing vehicle access also provides access to a dwelling at the rear of number 279, granted Consent under H19-0885-20. The existing access is considered to be suitable to serve both the dwelling at the rear and the dwelling being proposed in this Application - having served both number 279 and the rear dwelling. The proximity of the proposed new access, to the existing access will not be a highway safety issue. The proposed dwelling is to have space for manoeuvring and off-street parking for two vehicles, as is number 279.

Representation has been received raising concerns regarding the new proposed driveway, however, highway have not raised any objections in relation to 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 Policy Framework 2021.

### Flooding Considerations

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 2 and 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 2019 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 Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site being outside of low hazard area for the present day, whilst being in the low hazard area for 2116. The Residual Peak Depth Map for the 1% fluvial and 0.5% tidal shows that the site is outside of the area at risk in the present day, whilst the peak flood depth for 2116 is between 0.0m and 0.25m.

The application in this instance has been supported by a flood risk assessment. This assessment concludes that the "proposed development benefits from tidal defences on the River Nene that provide protection during the 1% annual probability (1 in 100 chance each year) fluvial event and

0.5% annual probability (1 in 200 chance each year) tidal event including climate change". The report also concludes that "there is a residual risk associated with a breach of the defences. During the life of the development the maximum flood depth at the site is between 0.0m and 0.25m".

As such, mitigation has been proposed including finished floor levels being 0.3m above surrounding ground level and 0.3m of flood resilient construction above finished floor levels. These mitigation measures will be subject to a condition.

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 Policy Framework 2021.

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 2019 and the intentions of the National Planning Policy Framework 2021 in this regard.

### Biodiversity

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

It is noted that a need for a 10% Biodiversity Net Gain is likely to be forthcoming within the near future; however, to date, this has not yet come into force.

### **Planning Balance**

The proposed development in this instance would result in the creation of a single new dwelling, providing a very minor contribution to the supply of homes within the district and more specifically, Sutton St Edmunds. However, this is a minor contribution and is afforded little weight given the unacceptable impacts identified in this case, in addition to the principle of development also being considered to be at conflict with Policy 1 of the South East Lincolnshire Local Plan 2019.

Further to the development providing an additional house, it is noted that the development would also provide an economic benefit by way of its construction. Therefore, the public benefits attributed with the proposal should be balanced with the harm caused.

However, as addressed above, in this case, it has been identified that the proposal would cause unacceptable harm to the character of the area, would be subject to a level of harm to the residential amenities of future occupiers of the proposed development and would not be acceptable in principle. Furthermore, the Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment and therefore full weight can be attributed to the policies in the South East Lincolnshire Local Plan 2019.

The public benefit of a single additional bungalow within a settlement categorised within those that are the least sustainable within the Spatial Strategy and the economic benefits attributed with the resultant construction, are considered to be minor benefits, in comparison to the harm caused and the unacceptable nature of the development. It has been clearly identified that the development fails to accord with the adopted Development Plan and therefore results in a significant harm weighing against the proposals.

Therefore, there would not be an outweighing public benefit. As such, it is considered that the proposal for the erection of a single residential bungalow would be contrary with the Policy 1, 2, and 3 of the adopted development plan (South East Lincolnshire Local Plan, 2019) and Section 12 of the National Planning Policy Framework 2021.

### **Conclusion**

In conclusion, the recommendation is that the proposal should be refused for the above reasons, as it is considered that the proposal for the erection of a single residential bungalow would be contrary

with the Policy 1, 2, and 3 of the adopted development plan (South East Lincolnshire Local Plan, 2019) and Section 12 of the National Planning Policy Framework 2021.

## **Additional Considerations**

### Pre-Application Advice

The site in question was the subject of pre-application advice. The applicant has highlighted that they are disappointed in the recommendation of refusal within that context. It should be noted that the applicant has been informed of the intention to refuse the application ahead of determination and the reasons why, which are clearly outlined in this report. It should also be noted that such planning advice is given in good faith but is an officer opinion only and therefore is not binding on any formal decision the Council may make following the receipt of a planning application. This is made clear within all pre-application advice.

### 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**

The recommendation for this application is for a delegated refusal.