

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0280-24 **Applicant:** Sennen Homes Ltd.
Proposal: Erection of 2 detached bungalows
Location: Land Between 87 And 95 Moulton Chapel Road Cowbit Spalding
Terminal Date: 22nd May 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
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 2023

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting sustainable transport.
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	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for one 3 bed bungalow (plot 8) and one 4 bed bungalow (plot 7). It is essentially a modification of planning approval ref. H22-0456-23, the main differences being a revision of the eastern boundary due to ownership issues, plus re-alignment of the eastern part of the frontage footway.

Description

The site (approximately 0.2ha) is located on the southern side of Moulton Chapel Road, Cowbit approximately 425 metres to the east of the A16 roundabout. It was previously occupied by vacant agricultural/horticultural buildings. A row of bungalows is situated to the east and new conjoint residential development to the west. Residential development is also situated opposite.

Policies/Constraints

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (adopted March 2019).

Recent Planning History

H22-0456-23 - Full - Erection of two detached bungalows - Approved 4 July 2023

H22-0698-23 - Cond Comp - Details of contamination desk study (Condition 4 of H22-0456-23) - Approved 10 January 2024

Consultation Responses

Weston Parish Council

No response received.

LCC Highways/SUDs

No objections subject to conditions/informatives.

SHIDB

The applicant proposes to discharge surface water to a watercourse; however, the discharge rate has not been provided at this stage. This proposal will require consent under Byelaw 3.

As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application.

LCC Historic Environment Officer

No further archaeological input necessary

Lincolnshire Bat Group

No objections. Important to note that bat boxes should not be sited over windows and/or doors, as if used there could then be an issue with droppings causing a mess.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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.

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.

Policy/principle

The site is located outside a Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside.

SELLP Policy 1 states 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.

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 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; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

In terms of the first element, it is considered that there is not sufficient justification for housing in this location. For example, it is not required by a rural worker.

Concerning the second element, the relevant factors are addressed below.

Economic - It is accepted that the development would result in an economic benefit to the construction industry, although this would be temporary in nature. There may also be potential local employment opportunities associated with the construction.

It is also recognised that future occupants may work locally, support local services and therefore make a contribution to the local economy.

Social/Community - A row of new houses is situated immediately to the west of the site, which was allowed on appeal (ref. H22-1045-17). The Inspector stated that "although the appeal site is in the countryside, it is within easy walking distance of a bus stop that serves routes connecting the site with the main village on the far side of the A16 primary route and more distant locations. The village offers a number of services, and additional amenities are provided a short distance away in Moulton Chapel, which is also served by the available bus routes. While there is a higher likelihood of private car journeys in rural locations compared to larger conurbations, the evidence before me is that bus services are relatively frequent and the proximity of the main built form of Cowbit would make public transport an attractive alternative The proposal would provide support for existing services in Cowbit and other nearby settlements."

In light of the above, the site is reasonably accessible to existing services and facilities and the proposal would provide some social/community benefits.

Environmental - The site is located within a row of existing dwellings, including houses recently constructed immediately to the west. When application ref. H22-1045-17 was considered the inspector pointed out that "although there are some other commercial and agricultural premises on Moulton Chapel Road, buildings in the area are predominantly residential and the area is largely characterised by dwellings and open land." He pointed out that "the industrial design of the existing buildings is somewhat incongruous with the rural appearance of the area and if unused the buildings are likely to fall into disrepair, which would have a negative impact on the character of the area. While the design and scale of proposed dwellings are reserved matters, a change of use for the land to dwellings would be an opportunity for the construction of buildings more in keeping with the surroundings and the prevailing rural/residential character of the area."

The proposal is for two detached bungalows. Whilst the new properties to the west are houses, a row of bungalows is situated immediately to the east. The proposal would therefore be in keeping. On this basis, it is considered that the proposal would not cause environmental harm and that there may well be some environmental benefits.

Concluding, therefore, the proposal would have some economic, community and environmental benefits. It therefore accords with Policies 1, 2 and 3 of the SELLP in this respect. In any case, there is a fallback position and the proposal is essentially a modification.

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 (December 2023). Paragraph 135, amongst other matters, seeks places with a high standard of amenity for existing and future users.

A row of bungalows is situated to the east and new residential development to the west. Residential development is also situated opposite. The proposal is for two detached bungalows. The property on plot 7 has a bathroom window only facing west. Plot 8 adjacent to no. 95 Moulton Chapel Road (bungalow) has a kitchen window and utility and secondary garage door facing east. Ground levels are not being raised significantly and boundary fencing is proposed. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.

Highway Issues

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. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

Each property would have its own vehicular access and satisfactory parking/turning facilities. LCC Highways raises no objections on highway safety grounds.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime.

The site is located within Flood Zone 1 of the Environment Agency's Flood Maps. A sequential test therefore does not need to be undertaken.

Although the proposed development is classified as "more vulnerable" the exceptions test is not required because the site is within Flood Zone 1. FFLs would be set at 3.15m aOD, approximately 2-300mm above existing ground levels.

In terms of drainage, foul water would be disposed of to an existing foul sewer. Surface water would be disposed of to a land drain, for which separate consent would be required from the SHIDB. It would be unreasonable to withhold the decision in this particular case until such consent has been obtained.

The proposal therefore accords with Policies 2 and 4 of the SELLP and advice within the National Planning Policy Framework, December 2023.

Ecology/Biodiversity

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 impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

It should be noted that the application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics.

The proposal includes hedge and tree planting within the front garden areas. Swift and bat boxes would also be provided. The proposal would therefore provide a net bio-diversity gain. This is considered sufficient at this time to conform with Policy 28 of the SELLP.

Contamination

The application is accompanied by a Phase I Desk Study which indicates that the site is free of potentially contaminated material and concludes that the site is substantially free of potentially contaminated materials. Environmental Protection have previously reviewed the submitted desk study and raised no objections (ref. H22-0698-23).

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The site is located outside a Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. For the purposes of the SELLP, the site lies within the countryside.

However, the proposal would deliver economic, community and environmental benefits. Moreover, there is a fallback position. The development would be compatible with existing development within the locality and would not materially harm the amenity of neighbouring residents. There are no objections to the scheme on highway safety and flood risk grounds. The proposal would also provide a net biodiversity gain.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in 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 into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4,

10, 11, 28, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

Recommendation

That the application be approved under delegated powers.