

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-1210-19 **Applicant:** Mr R Turner
Proposal: Residential development - erection of 6 single-storey dwellings
Location: Land Adjacent: Fairview Farm 19 Mill Drove South Cowbit
Terminal Date: 10th February 2020

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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
------------------------	---	---	---	---

CASE OFFICER ASSESSMENT

Proposal

This is an outline proposal for the erection of 6 single-storey dwellings on Land adjacent Fairview Farm, 19 Mill Drove South Cowbit. The indicative layout shows a vehicular access south of 19 Mill Drove South with dwellings on land which is current in a business use.

Site Description

The frontage of the proposal site is within defined settlement limits with land to the rear classed as being in the open countryside. Four of the proposed six bungalows shown on the indicative plan are sited outside of defined settlements.

The site is currently used for storage and distribution and has a large number of wooden pallets stacked toward the rear of the site. The surrounding area is characterised by linear development of buildings of varying ages and design. With regard to flood risk the site is in Flood Zone 2 and 3 on the Environment Agency Flood Risk Mapping. On the 2215 South Holland Strategic Flood Risk Mapping the site is in a "Danger for Some" flood hazard area with a maximum predicted flood depth of 0.5 metres for the majority of the site with a small area requiring a finished floor level of 1 metre. The submitted Flood Risk Assessment proposes a finished floor level of 300mm.

History

H01-0831-77

Full - Erection of agricultural building - Approved - 05 October 1977.

H01-0927-89

Outline - Residential development - Approved - 10 August 1989.

H01-0676-92

Outline - Residential development (renewal of outline planning permission H01-0927-89) - Approved - 05 August 1992.

H01-1172-94

Outline - Residential development (Renewal of H01-0676-92) - Approved - 24 January 1995.

H01-1159-97

Outline - Residential development (Renewal of application H01-1172-94) - Approved 18 December 1997.

H01-1057-00

Reserved Matters - 4 bed house and garage - Approved - 27 October 2000.

H01-0421-02

Full - Change of use to storage, distribution & light assembly work - Approved - 30 August 2002.

H01-0099-04

Full - New vehicular access, detached triple garage, side and rear extension, including swimming pool - Approved - 16 March 2004.

H01-0384-05

Full - Alterations to existing barn to convert into office accommodation - Approved - 23 May 2005.

H01-0744-18

Full - Extensions and alterations - 05 September 2018.

H01-0998-18

Full - Extensions and alterations - re-submission of H01-0744-18 - Approved 21 November 2018.

Consultation Responses

County Highways & SUDS Officer

"The Outline Planning Consent for Application number H01-0871-18, which is for residential development (indicatively 45 units) served mainly from Mill Drove South, included a Condition (5) requiring the realignment of the junction of Mill Drove South with Stonegate prior to the commencement of any part of the development having a frontage to Mill Drove South."

"The reason for this is that the existing junction geometry has sub-standard visibility to the right for drivers emerging from Mill Drove South into Stonegate and the increase in vehicle movements at this junction, consequent upon the occupation of the permitted new dwellings, would increase the likelihood of collisions."

"The development proposed in this Application would also increase the use of the Mill Drove South junction with Stonegate, albeit to a lesser degree, but never the less there would still be an increase in movements at a junction where there is an acknowledged problem."

"The cost of completing the realignment works required under Condition 5 of H01-0871-18 would be disproportionately high for a development of only six dwellings, as proposed in this Application, and a Grampian Condition requiring the completion of the junction realignment works prior to commencement of any development may therefore be vulnerable to challenge on the grounds of unreasonableness if imposed. However, to not Condition the provision of the works under any Consent that might be granted, may attract a claim of inconsistency or unfairness by the Applicants of H01-0871-18."

I would therefore welcome your thoughts on whether the Local Planning Authority would consider it reasonable to impose a Grampian Condition prohibiting the commencement of development until such time as the junction of Mill Drove South with Stonegate is suitably improved."

Environmental Protection

Requests full contaminated land condition.

South Holland Internal Drainage Board

Requests full drainage strategy condition.

Historic Environment Officer

Requests full archaeological conditions.

Planning Considerations

- Principle of development
- Proposed vehicular access

Principle of development

The rear of the proposal site is located outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the South East Lincolnshire Local Plan (SELLP) states that development in the countryside will only 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. It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need.

As of 31 March 2019 the Council can now identify a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6.07 years through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance.

Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a recently adopted up-to-date development plan with a spatial strategy setting out how the housing needs for the area will be met.

The proposed development would set a harmful development by positioning residential dwellings in a countryside location outside the main built-up area of the settlement. This would have an adverse impact on the character of the area and would set a harmful precedent for further development outside the settlement boundary.

The proposal is contrary to policies 2 and 3 of the SELLP which amongst other things require proposals to have regard to the character and appearance of an area and stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

With regard to flood risk the site is in Flood Zone 2 and 3 on the Environment Agency Flood Risk Mapping. On the 2215 South Holland Strategic Flood Risk Mapping the site is in a "Danger for Some" flood hazard area with a maximum predicted flood depth of 0.5 metres for the majority of the site with a small area requiring a finished floor level of 1 metre. The submitted Flood Risk Assessment proposes a finished floor level of 300mm. It is therefore considered that the proposed dwellings would not be safe from flood risk over the lifetime of the development.

Proposed vehicular access

Due to the potential traffic impact on Stonegate and the financial impact on outside parties the County Highways & SUDS Officer has requested a Grampian Condition prohibiting the commencement of development until such time as the junction of Mill Drove South with Stonegate is suitably improved. The Local Planning Authority considers that this would be the correct action to take to prevent a cumulative impact on the immediate highway and the surrounding roads.

Conclusion

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019).

The recommendation is therefore one of refusal.

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.