DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H09-0030-24** | **Applicant:** | **Ashwood Homes Ltd** |
| **Proposal:** | Erection of 38 dwellings with associated roads and sewers - approved under H09-0784-21. Modification of Condition 2 to allow amendments to previously approved plans | | |
| **Location:** | Land Off Lancewood Road Fen Road Holbeach | | |
| **Terminal Date:** | 22nd April 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 |
| 05 | Meeting Physical Infrastructure and Service Needs |
| 06 | Developer Contributions |
| 10 | Meeting Assessed Housing Requirements |
| 11 | Distribution of New Housing |
| 17 | Providing a Mix of Housing |
| 18 | Affordable Housing |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 32 | Community, Health and Well-being |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 8 | Developer Contributions for Education Facilities |
| APPENDIX 9 | Developer Contributions for Health Care Facilities |

**National Guidance**

**National Planning Policy Framework 2023**

Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 11 Making effective use of land
Section 12 Achieving well designed and beautiful places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment.
Section 16 Conserving and enhancing the historic environment

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 1 |
| WARD MEMBER | 0 | 1 | 0 | 0 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |

CASE OFFICER ASSESSMENT

**Proposal**

The proposal is a Section 73A application to amend Plot 1, amend house types, change the garages to Plots 1 and 2, to remove the Home Office to Plot 8 and other minor changes.

The previously approve site plan showed an, Anglian Water Easement through the site and a Proposed site plan and a drainage easement along the front of the site either side of the access way, and wrapping around Plot 33.

In the current plan, the 9m Anglian Water easement is maintained but a further drainage easement is situated along the boundary of Plot 10, over the water easement and under the two car parking spaces for Plot 18.

The boundary of Plot 10's rear fence has been adjusted for the Anglian Water's required easement.

A further drainage easement is at the end of the turning head close to Plot 22, which is a further easement required by Anglian Water.

A type 2 compound has been added adjacent to Plot 31, required by Anglian Water as part of the S104 technical approval.

House Type Harren has been added as a house type. This has changed in relation to Plot 1, which was approved originally as a Mere House type. Plot 1 has been slightly rotated on its axis.

Plots 2 and 3 have changed from Nene to Rutland-V. The garage to Plots 1 and 2 was changed from a Double Shared Garage to a Double Shared long garage.

Plots 3 and 4 had a slight adjustment to the garage position which is very minor.

Plot 8 had a home office removed and now has a standard double garage in its place.

Plots 12 and 16 have changed house types form Nene to Rutland V.

**Site Description**

The site was greenfield land and is 1.196Ha in area, now under construction following approve under reference H09-0784-21 located within the settlement boundary of Holbeach. Site levels vary between circa 3.3m AOD to 3.093m AOD. The site is generally flat.

The site is within Flood Zone 3, and benefits from significant tidal and fluvial flood defences. The Environment Agency consider that this land is in a "low hazard" rating area with "danger for some".

Vehicular access will be from the development to the north. An existing watercourse maintained by

the South Holland IDB abuts the western boundary of the site. An existing infiltration ditch abuts the eastern boundary of the site.

To the south of the site is an existing residential property and commercial business with an extensive hedge line along the southern boundary of the site.

## History

H09-0784-21 - Erection of 38 dwellings with associated roads and sewers. Approved 3.2.2022.

H09-0619-22 - Con Com - Details of means of surface water disposal, landscaping & biodiversity strategy, tree protection during construction works, boundary treatments, management plan for publicly accessible open space & outdoor play areas, written scheme of archaeological investigation, FRA (ffl), surface water disposal, estate road & associated footways, estate road phasing & completion plan, details of construction management, precautions for prevention of mud deposits on public highways, external materials and notice confirming requirement for water consumption (Conditions 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18 & 19 of H09-0784-21). Approved 15 August 2022.

H09-1115-22 - Details of archaeological investigation (Condition 10 of H09-0784-21). Approved 8th December 2022.

## Consultation Responses

Councillor N J Chapman
Approx half of the footings are now in place, is it puts the space into context. There seems to be sufficient space for privacy and small gardens, it's part of the current estate of Holbeach Meadows and fits in nicely with the current roads on the estate.

Holbeach Parish Council
No comments

IDB

The applicant's proposal for two access crossings (one vehicular, one pedestrian) over the Board arterial watercourse known as F38 Holbeach Old River is shown on the latest Site Plan (Drawing No. 127-SL-01 Rev. N) and the Boundary Treatment Plan (Drawing No. 127-BT-01 Rev. K) submitted alongside this application. Please be advised that Land Drainage Consent is required for these crossings under the Board's Byelaws and the Land Drainage Act 1991. The applicant is aware of the consent requirements associated with these proposals. The Board has no further comments to make at this time.

## Planning Considerations

Key Planning Consideration

-Layout, Design and Impact on Character of the Area

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 (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.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan 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 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.

The site is located within the settlement boundary of Holbeach, which is considered to be a Main Service Centre within the SELLP. Within the settlement boundaries of Main 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.

At the time of the original approval, although this site was good quality farm land, it was not considered that its development would lead to such a loss of agricultural land overall within the District that would warrant refusal of permission on that basis. The site is now under construction.

The site, although not allocated for development, is within the settlement boundary and is thus considered to be a sustainable location. This development accords with Policy 1 of the SELLP in this regard. The site, when approved, was considered to be a windfall site and would provide additional market and affordable housing within this part of the District.

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful 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 135, contained within Section 12 of the National Planning Policy Framework (December 2023), 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.

Likewise, Policy 2 of the South East Lincolnshire Local Plan 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, 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.

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.

The original proposal set out a scheme of 38 two storey dwellings, with highway and pedestrian access from an existing access to a wider development from Fen Road. The development was considered effectively as an extension to the wider development adjacent to the site, and shares access and design characteristics. There are no changes to the overall number of units, highway layout or the substantive parts of the development.

The changes to the house types, adjustments and substitutions of garages are minor and would not adversely affect the street scene, or adversely affect neighbouring properties.

The design of the Harren House type is acceptable for Plot 1. The fact that it is rotated has no significant impact on the street scheme or the neighbouring properties and is acceptable in design terms.

The house type change to Plots 12 and 16 from Nene to Rutland-V is acceptable in design terms and has no significant adverse impact on the street scene.

The changes to fencing, adjustments of easements required by Anglian Water, are minor and have no material impact on the scheme.

The changes to the garages, removal of the home office and minor adjustments to the positions of the garages are minor, do not significantly affect the street scene or neighbouring properties.

The material schedule layout shows brick types in Leicester Multi cream, Leicester Red Stock, Ivanhoe Westminster and Oakmoor Cream, with Condron Concrete Slate Black tiles, Condron Concrete Pantile Terracotta tiles, Marley Lincoln Clay single Pantiles, white meter boxes, buff raven paving slabs, black Rainwater goods and black UPVC Extract Grilles. These details are considered satisfactory and match the wider development and are varied enough to be attractive across the estate.

The boundary treatment shows 1.8m close boarded fences, around the dwellings, with 1.8m brick walls around the flank of Plot 1, the flank of Plot 9, part of Plot 13, Plots 15, 34, the flank of 36, and the flank of Plot 38. Low knee rails are positioned clos to the parking spaces and garage of Plot 21 towards the fencing at Plot 22. These details are considered satisfactory.

The proposed double shared long garage are 6.1m wide and 10m long, with a pitched roof with an eaves height of 2.335m. The proposed design is acceptable and the revised designs and positions have no material impact on the street scene or neighbouring properties.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Highway safety and parking

The access roads and pavements around the site remain as approved as adopted, and LCC Highways Service raise no objection to the form and layout.

The minor changes to the garages are not significant and acceptable in design terms.

Sufficient on plot parking would be provided in accordance with SELLP Policy 3 and Appendix 6.

Impact of neighbouring Residents/land users

As per the original approval, the land to the north east is under development for housing, and the layout takes in to accord relationships to the dwellings to be built on that land. The changes proposed are minor and do not adversely affect adjoining occupiers. The changes improve the overall design of the scheme.

The development accords with Policies 2 and 3 of the SELLP.

Flooding considerations

The details remain as per the original approval, i.e. the site sits wholly within Flood Zone 3 which is the case for a large part of the District. Hazard mapping shows the probability of tidal flooding breach scenario in the 1:200 and 1:1000 (2115) event probability.

The original development site was a greenfield site to be developed for residential use which will provide a contribution to the housing targets for the district, in a sustainable location (close to the town centre and current amenities of Holbeach) and as such has a wider benefit to the community as a whole.

The land to the north eastern boundary of the site has received planning permission and this site should be considered as part of the wider, more comprehensive, development.

The Flood Risk Assessment confirms through the assessment of flood risk from all sources that the development by design can be made safe in terms of flood risk and would not increase the risk of flooding elsewhere. The Exception Test is passed.

The Flood Risk Assessment sets levels expectations and this is to be controlled via condition which should be re-imposed.

There is no adverse impact in terms of conflict with Policy 4 of the SELLP.

Foul and Surface Water Drainage

Foul water provision is unchanged and to be dealt with by connection to the existing mains sewers in the area.

As per the original approval, surface water provision is to be a drainage system incorporating road side filter strips, as infiltration is not viable; this is confirmed in the Flood Risk Assessment . The system would eventually discharge to existing watercourses. IDB Land Drainage Consent has now been obtained to discharge to the IDB maintained Holbeach River. A Section 104 agreement has been agreed with Anglian Water to adopt the filter drain pipework which is part of the reason for the minor changes to the drainage easements as part of this application. These agreements assist in managing surface and foul water drainage and therefore minimise the risk of flooding.

Landscape Impact and Impact on trees

A landscaping strategy is to be submitted by condition to provide a robust landscaping scheme, as well as to ensure biodiversity, which is discussed below. The proposed changes do not alter the overall landscape strategy.

Contaminated Land

A Combined Phase I Desk Study & Phase II Exploratory Investigation Report was undertaken as part of the original approval and the details were discharged via H09-0619-22 on 15 August 2022. The changes as part of this application do not change these approved details.

Biodiversity

Biodiversity details were discharged as part of application H09-0619-22. The current application does not affect biodiversity and as such there is no conflict with Policy 28 of the SELLP.

Archaeology

Archaeology was considered and specifically discharged as part of the original approval and via separate condition compliance application H09-1115-22 which was discharged on 8th December 2022. The current proposals do not affect the approved details and therefore this is no conflict with Policy 29 of the SELLP.

Developer Contributions

The original permission was subject to a Section 106 agreement dated 2nd February 2022 which required affordable housing, education and NHS contributions. The S106 contained a clause binding subsequent S106 agreements to the provisions of the S106, so determining this application does not remove the S106 requirements. There is no indication that this application threatens the delivery of the affordable housing. Overall, the contributions remain as per the S106 agreement.

## Conclusion

The changes to the scheme update the materials, boundary treatments and house types, all of which improve the appearance of the scheme and are minor. The changes to the garages, removal of the home office, changing boundaries are not significant and do not adversely affect neighbouring properties or the street scene. The adjustments to the easements reflect approval adjustments as part of Anglian Water requirements and are acceptable in design terms. The changes regularise minor elements and are considered acceptable. Approval is therefore recommended.

## 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.