

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0045-20 **Applicant:** Mr & Mrs R Gordon
Proposal: Residential Development - Erection of 4 Dwellings
Location: 34 Fen Road Holbeach Spalding
Terminal Date: 4th July 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
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
RESIDENTS	5	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 4 no. 4 bed houses.

It should be noted that the site presently has permission for 3 no. chalet bungalows, including retention of the westernmost shed (ref: H09-0830-18).

Site Description

The site (some 0.13 ha) is presently occupied by buildings, with access via a tarmac private driveway.

A holiday cottage and No. 34 Fen Road are situated to the east and bungalows to the west. Bungalows situated off Tudor Way are located to the north-east on the opposite side of the private roadway. An application for residential development on land to the south was approved by Planning Committee in July 2019, subject to a legal agreement (ref. H09-0276-19). This is still ongoing.

Planning History

H09-0675-04 - Full - Conversion of outbuilding to holiday chalet and widening of existing access to 5.0 metres for the first 33.0 metres - Granted 29 December 2004

H09-0687-04 - Full - Conversion of existing building to backpackers facility and widening of existing access to 5.0 metres for the first 33.0 metres - Granted 29 December 2020

H09-0830-18 - Full - Erection of 3 chalet bungalows - Granted 19 October 2018

Consultation Responses

Holbeach Parish Council - No response.

Cllr. F Biggadike - Supported. A fitting finale to a high class development.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

SHIDB - Request drainage strategy.

SHDC Environmental Protection - Request informative re unexpected contamination.

LCC Archaeology - No input.

Public - Objections received (summarised);

Overdevelopment - excessive for site: Additional housing unnecessary: Poor infrastructure: Bungalows more suitable - all past developments behind housing on Fen Road have been bungalows within the Fen Road/Station St area: Private roadway unsuitable for additional development and traffic such as HGVs: No street lighting, pathways and road is single track:

Insufficient parking and turning facilities: Drainage issues: Overlooking/lack of privacy: Blockage of light: Noise/disturbance: De-valuation of property:

Planning Considerations

The main issues are:

- Principle;
- Character and appearance, including the effect of the development upon Holbeach Conservation Area;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk.

Principle

The site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the 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 meet the service needs of other local communities.

Moreover, it is part of an allocated housing site (Hob010 - approximately 10 dwellings). The proposal therefore satisfactorily accords with Policies 1 and 11 of the SELLP on locational grounds. Infrastructure contributions are not justified in this case because the proposal is not classed as a major development.

Character and appearance

Existing development along Gamekeeper Close consists of bungalows. However, existing development along this part of Fen Road is generally varied in terms of age, type and design. Houses are located to the north-east off Tudor Way and are set back from Fen Road. The site presently has permission for 3 no. chalet bungalows, including retention of the westernmost shed. The proposed two storey properties are considered acceptable in terms of design/appearance. It is considered that the proposal would not materially harm the character/appearance of the street scene or locality.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the South Holland Local Plan in this respect.

Amenity

The proposed houses have front and rear first floor bedroom windows, but no openings on the side elevations. The dwellings are situated on the opposite side of the access road from existing housing off Tudor Way. The nearest property is approximately 12 metres from the common boundary with development off Tudor Way and 9 metres from the rear boundary facing No. 36 Fen Road, which has supported living facilities at the rear (ref. H09-0498-17). The latter has secondary windows facing north and 1.8 m boundary fencing is proposed. New development recently authorised on the land to the south has relatively long back gardens. It is considered that the amenity of nearby residents would not be materially harmed by reason of overlooking/lack of privacy, subject to boundary screening.

The proposed dwelling on the westernmost plot is some 1.3 metres from the boundary and the principle element of the neighbouring bungalow is some 2.2 metres from the common boundary, which has 2 m high fencing. Given this, it is considered that the amenity of nearby residents would not be materially harmed by reason of overshadowing or overbearing effect.

The proposal would generate some additional vehicle activity. However, the site is in an urban location off a fairly busy road where background noise levels are not expected to be low. Development off Tudor Way is separated by boundary screening. It is considered that the amenity of nearby residents would not be materially harmed by reason of noise and disturbance, etc.

A refuse storage area has been provided at the entrance to Fen Road.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan,

2019 in terms of amenity.

Highway Safety

Gamekeeper Close is a tarmac private roadway that is managed and maintained by a management company. It is considered to be suitable for the proposal, which should bring development to a conclusion along the roadway. LCC Highways has raised no objections on highway safety grounds. Each property would have 3 parking spaces available, including the garages.

The proposal satisfactory complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter 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 East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The hazard mapping within the SFRA shows the site to be within an area largely unaffected if a breach of the flood defences were to occur. Moreover, the site is a housing allocation. The site is therefore sequentially preferable in flood risk terms. Finished floor levels should be set 300mm above existing ground level.

Drainage

Foul water would be disposed of to a public sewer and surface water to a crated soakaways. Ground conditions within Holbeach are considered suitable for the latter. The proposal satisfactory complies with Policies 2, 3 and 30 of the SELLP in this respect.

Conclusion

The proposal is an allocated site within the SELLP and is considered to be a sustainable location for new housing. The development would not materially harm the character/appearance of the locality or amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect or noise and disturbance. The proposal therefore satisfactorily complies with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Gamekeeper Close is a tarmac private roadway that is managed and maintained by a management company. It is considered to be suitable for the proposal, which should bring development to a conclusion along the roadway. LCC Highways has raised no objections on highway safety grounds. Each property would have 3 parking spaces available, including the garages. The proposal satisfactory complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

The site is sequentially preferable in terms of flood risk.

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.