DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0052-21**	**Applicant:**	**Mr A Watson**
Proposal:	Residential Development of 8 eco-friendly homes comprising 5 bungalows and 3 family homes		
Location:	Adj. Twitters Bridge 173 Boston Road North Holbeach		
Terminal Date:	2nd June 2021		

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
19	Rural Exception Sites
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate 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	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	9	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an outline application seeking permission for the erection of 8 eco-friendly homes, comprising of 5 bungalows and 3 family homes, with all matters reserved for subsequent approval, on land adjacent Twitters Bridge 173 Boston Road North, Holbeach.

Site Description

The site (some 0.54ha) is currently agricultural land on the western side of Boston Road North and approx. 500m north of the A17. There is no footway to the front of the site. Frontage residential properties are situated along the east of Boston Road North opposite the proposed site. There is a dwelling to the south beyond an existing field access. Proposed plots 1 and 2 sit either side of no. 173 Boston Road North. There is agricultural land to the rear.

Policies/Constraints

The site is outside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (March 2019).

History

No recent planning history.

Consultation Responses

Holbeach Parish Council - Application supported.

Environment Agency - This proposal comes under cell D8 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice.

South Holland Drainage Board - Outlines the relevant consents that may be required.

Anglian Water - No comment due to no. of dwellings proposed.

LCC Historic Environment Officer - No archaeological input is required and there are no known archaeological impacts.

SHDC Environmental Protection Officer - No comments or objections.

Public:

Objections/concerns raised by nearby residents (summarised):

This will create further development elsewhere; Increased vehicular traffic and parking; Impact upon highway safety; Walking to town is dangerous for pedestrians as you have to cross A17; No need for a bus shelter, when there is no bus route; Increased surface water run off; Materially harm the rural character; Risk of flooding; Impact on infrastructure of building new homes; Marked as agricultural land (Grade 1); Not within the settlement boundary; Wildlife at risk; Impact upon privacy; Impact on views.

A further comment was received by a member of the public requesting 6 swift nest bricks be installed.

Material Planning Considerations

The main issues in this case are:
· Policy/principle;
· The likely impact upon the amenity of nearby residents;
· Highway safety;
· Other material considerations such as flood risk, drainage, contamination and ecology.

Policy/Sustainability

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 of the National Planning Policy Framework (NPPF), 2019 indicates that plans and decisions should apply a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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 directs developments within settlement boundaries and 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.

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The proposal is not considered to meet the provisions of either of these policies. It also does not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use).

Paragraph 79 of the National Planning Policy Framework (2019) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 79 should apply in this instance. There are residential properties immediately adjacent, therefore the site cannot be described as remote or 'isolated '.

Given the above, the overriding consideration is whether the proposed development can be considered necessary to that location and/or whether the site can be considered to represent a sustainable form of development.

In terms of the first part, it has not been demonstrated that the development of 8 market homes is

necessary to this location and it is not considered to be a type of housing that requires a countryside location. This is particularly the case in this instance where the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply (9.1 years as at 31st March 2020).

As per the second part, the following can be considered as part of the planning balance:

- Economic: The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

- Social: The proposal would make a contribution, albeit relatively small, towards housing supply in the district.

However, the site is poorly related to the existing settlement of Holbeach, being on the opposite side of the A17, and is some distance from existing services and facilities. Future occupiers would have to negotiate the heavily trafficked A17 to access such services on foot or by cycle, to the detriment of pedestrian safety. It would therefore be contrary to Paragraph 108 of the NPPF which states that it should be ensured that safe and suitable access to the site can be achieved for all users, and Paragraph 110 which states that priority should be given to pedestrian movements and that the scope for conflict between pedestrians and vehicles should be minimised.

- Environment: Given the above, future occupiers would be likely to have a high dependence on the use of motor vehicles which, no matter the distance of travel involved, would be contrary to advice within Section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework, 2019. Also, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning.

Moreover, the site is greenfield land located beyond the northernmost fringe of Holbeach, which is defined by the A17. The site is essentially located within a transition zone between the built-up form of the settlement and countryside. Its character is defined by existing development interspersed by more open agricultural land such as the site. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and the countryside. The development would further urbanise this section of Boston Road North and would therefore materially harm the rural character of the locality, contrary to Paragraph 170. Furthermore, the proposal would conflict with Policies 2 and 3 of the SELLP, which give weight to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses.

With regard to other environmental aspects, it is intended that the dwellings would be eco-friendly homes, although no information has been submitted on what this might entail. If permission were to be granted it should be subject to appropriate conditions and a legal agreement securing suitable design standards for an eco dwelling.

Given the above, on balance, it is not considered that the application site is a suitable site for residential development. Although there would be some benefits in terms of the potential for job creation and assisting housing, it is considered that these benefits are outweighed by the harm that would be caused by virtue of the impact its development would have on the character and appearance of the area and potential pedestrian safety issues. It is also clearly evident that in principle the site does not accord with the provisions of the SELLP. Furthermore, the Council is capable of demonstrating a 5-year housing land supply (9.1 years as at 31st March 2020).

The applicant makes reference to two permissions (H23-0231-18 and H05-0906-16), which they believe set a precedent for infill frontage development outside of settlement boundaries. Firstly, each application is determined on its own merits and, secondly, these applications were determined under a different local plan and are therefore not directly comparable .

Residential Amenity

There are approx. 10 dwellings that are situated directly east of the site, a house (No.173) directly between plots 1 and 2, and two dwellings to the south (No. 151 and 153). It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc as it is tantamount to a

typical frontage relationship.

Impact on views is a consideration, but one which carries very limited weight in the overall planning balance in this instance.

Highway Issues

The indicative site plan shows that all dwellings would have their own access to the main road. Concerns have been raised by local residents on grounds that Boston Road North is a narrow, fast and dangerous road and that the proposal would lead to an increase in traffic, to the detriment of highway safety. However, LCC Highways has been consulted and does not wish to restrict the grant of permission.

Parking provision would be assessed at reserved matters stage, although it is anticipated that a suitable level of provision is capable of being provided with the curtilage of each dwelling given the size of the plots.

Other Material Considerations

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps 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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South Holland SFRA indicates that the site is located within an area identified as mostly "Danger for Some" in terms of flood hazard. There are alternative sites appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding. Moreover, the proposal fails the exceptions test because the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore conflicts with advice within paragraphs 158 to 160 of the National Planning Policy Framework, 2019.

Drainage - The application form indicates that surface water would be disposed of by a sustainable drainage system, but no details of the proposed means of foul drainage have been supplied. Drainage details could be addressed by means of a condition if permission was forthcoming.

Ecology - There is no evidence that protected species would be adversely affected by the proposed development.

Impact on infrastructure - Concerns relating to the provision, and strain on, existing infrastructure (utilities, services and facilities) are noted. The NHS and Education Authority do not request financial contributions from minor residential developments, and it is not considered that the development of 8 dwellings would have a significant adverse impact on infrastructure capacity.

Loss of agricultural land - The loss of agricultural land is never desirable, however the level of housing need to be met does unfortunately mean that such land will inevitably be lost.

Planning Balance

Assessing the proposal against the above policies and advice, the dwellings would provide moderate economic benefits from their construction and servicing and offer temporary employment. Future occupiers may also work locally and help to support local services and facilities. Furthermore, there would be social benefits in terms of contributing to housing supply. However it is considered that the proposed development would have a number of adverse environmental and other social impacts that would significantly and demonstrably outweigh the moderate economic

and social benefits identified, for example the impact on countryside character and pedestrian safety.

Moreover, the South Holland Strategic Flood Risk Assessment indicates that the site is located within an area identified as mostly "Danger for Some" in terms of flood hazard. There are alternative sites appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding. In addition, the proposal fails the exceptions test because the proposal would not provide wider sustainability benefits to the community that outweigh 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 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 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

Recommendation - That the application be refused under delegated powers.