

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0122-21	Applicant:	Wilf Hammond Homes Ltd.
Proposal:	Proposed residential development - 4 dwellings		
Location:	Land At Chapel House Chapel Drove Holbeach Drove		
Terminal Date:	9th May 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
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	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	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of 4 no. 5 bed houses, with accommodation in the roof. Outline planning permission was granted for residential development in July 2019 (ref. H09-0542-19).

Site Description

The site (some 0.23ha) is a part of a former agricultural holding and has brick buildings and tree planting along its frontage with Chapel Drove. Tree planting and a drain are situated along the northern boundary adjoining the B1166. Vehicular access is presently off Chapel Drove.

Disused polytunnels are located to the south-west and a former associated dwelling (Chapel House) to the north-east, plus a chapel. Residential properties are situated opposite.

Planning History

H09-0542-19 - O/A - Residential development - Granted 12 July 2019.

Policies/Constraints

The site is within the settlement limit for Holbeach Drove (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan, 2019.

Consultation Responses

Holbeach Parish Council - This is a site of great archaeological interest and should be protected not built on.

LCC Highways - No objections subject to informatives.

SHIDB - The Board are pleased to observe that plot 3 has been moved outside of the Board's 9 metre easement/maintenance strip. understand that the existing trees/ hedges are to be retained. We have also had discussions with the applicant, that have led to an understanding that no additional trees/hedges will be planted within the 9m easement, as to not further restrict the Boards access to maintain the watercourse.

Environmental Protection - Request standard contaminated land condition.

LCC Archaeology - Recommend conditions.

Public - No response received.

Planning Considerations

The main issues are:
- Policy/principle;

- The effect of the proposed development on the character and appearance of the area;
- Residential amenity;
- Highway safety;
- Other material considerations such as flood risk and drainage, contamination and archaeology.

Policy/principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside Holbeach Drove Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Holbeach Drove, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited committed sites and infill.

In this case the proposed development is infill within the existing village fabric and has outline planning permission for residential development. No objections are therefore raised in principle.

Character/appearance

Two houses would front the B1166 and two would face Chapel Drove. Existing properties along the latter within the immediate vicinity are houses. Although an existing tree within the centre of the site would be removed existing trees fronting Chapel Drove and the B1166 would be retained.

The properties would be constructed in T.B.S. Swanton Orange Multi Facing Bricks with a Marley Edgemere roofing tile (grey). It is considered that the proposed development would fit satisfactorily within the street scene and not materially harm the character or appearance of the rural locality.

The proposal therefore accords with Policies 2 and 3 of the SELLP in this respect.

Amenity

Disused polytunnels are located to the south-west and a former associated dwelling (Chapel House) to the north-east, plus a chapel. Residential properties are situated opposite.

Chapel House itself is some 16 metres from the site, with an existing outbuilding between. Plot 2 only has a bathroom window facing north-east. The properties on the opposite side of Chapel Drove are further away. It is considered that the development would not materially harm the amenity of neighbouring residents in terms of overlooking/lack of privacy, overbearing effect, overshadowing or noise/disturbance. Consequently, the proposal is in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highways

A new shared vehicular access serving plots 3 and 4 would be formed onto the B1166, with a piped culvert and block paved vehicular turning facility. A pair of accesses would be formed onto Chapel Drove serving plots 1 and 2. Satisfactory on-site parking would be provided. LCC Highways have raised no objections on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety and parking.

Flood Risk

In terms of flood risk, the site is located within Flood Zone 1 of the Environment Agency's Flood Maps. The Strategic Flood Risk Assessment indicates that the site is within an area identified as no hazard. The proposal therefore passes the sequential test.

Concerning the exceptions test, it is recommended that the finished floor level of the dwelling be set 300mm above existing ground level with a further 300mm of flood resilient construction above finished floor level. Future occupants are advised to sign up to the Environment Agency's free

Floodline Warnings Direct Service.

Drainage

Foul water would be disposed of via individual package treatment plants, with an outfall to land drains. Surface water would be discharged to soakaways located within the front and rear gardens. The site is large enough to accommodate such facilities, including any associated drainage fields if required.

Contamination

Due to the former use of the land Environmental Protection have requested a contaminated land condition.

Archaeology

The proposed development is located in an area of archaeological interest, with extensive Roman cropmarks identified around the village including in the adjacent fields. There is therefore potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction.

Given this LCC Archaeology have recommended that the developer should be required to commission a Scheme of Archaeological Works, as required by paragraph 199 of the National Planning Policy Framework. This can be secured by means of conditions.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is within Holbeach Drove Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019 and has outline planning permission (ref. H09-0542-19). It is considered that the proposal would not materially harm the character/appearance of the rural locality or amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance etc. LCC Highways have raised no objections to the scheme on parking/highway safety grounds.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. There are no material considerations that outweigh factors in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

The application be approved under delegated powers.