

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0219-23 **Applicant:** Ashley King Developments Ltd.

Proposal: Access, appearance, landscaping, layout and scale for highways infrastructure (new link road, roundabout, junctions and modifications to Hall Gate and Fen Road (Phase 1A)), and two phases of residential development totalling 330 dwellings (Phases 1B & 2). Development Brief and Masterplan for phased development of remainder of site (Outline permission H09-0521-14) - approved under H09-0331-17. Modification of Condition 1 to allow amendments to previously approved plans.

Location: Holbeach Meadows Phase 2b Land Off Hall Gate Holbeach

Terminal Date: 8th May 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
10	Meeting Assessed Housing Requirements
28	The Natural Environment
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31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 9 Promoting sustainable transport
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	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Reason for Panel consideration

The nature of the proposal and site history requires panel consideration.

Proposal

This is a Section 73A application to modify Condition 1 of the previous reserved matters to allow amendments to the previously approved plans to H09-0331-17. The latter was the main Reserved Matters application to the overall 900 unit site relating to access, appearance, landscaping, layout and scale for highways infrastructure (new link road, roundabout, junctions and modifications to Hall Gate and Fen Road (Phase 1A)), and two phases of residential development totalling 330 dwellings (Phases 1B & 2). It included a Development Brief and Masterplan for phased development of the remainder of the site (Outline permission H09-0521-14) - approved under H09-0331-17.

H09-0331-17 consisted of phases 1A, 1B and 2, which dealt with overall road layout, and the first tranche of plots. This current proposal relates to the Modification of Condition of 1 of H09-0331-17 to allow amendments to previously approved plans specifically in relation to Phase 2B, which consists of 115 dwellings. This is a phase to the south east of the site, with access leading to Fen Road.

This application seeks changes to the approved plans as a result partly of identifying the Anglian Water main, with consequential changes to the layout, including the site layout. This necessitates consequential alterations to the Boundary Treatment, Cycle Storage Plan, Electric Vehicle Charging Layout and PV Layouts. The material schedule has been updated. The changes are shown on the Overlay of the Site Layout and the Consented layout.

The house type Balmoral-001 has been withdrawn as has the Sparta house type. New house types have been included which relate to Aire, Balmoral, Clyde, Huntingdon, Rutland, Severn-V, Stamford, together with a Single Long Garage type, Double Shared Long Garage type, and a Quad Hipped Garage type.

Site Description

The site lies on the southern edge of Holbeach. The immediate surroundings are residential in character to the north and east and agricultural to the south and west.

The site is within the settlement boundary of Holbeach and is a large development site that will be built out over several years with consent for 900 dwellings in total. The site is generally flat, crossed by a number of drainage ditches, bounded by the Holbeach Old River to the east and with tree belts and older hedgerows crossing the site in places. Hall Gate runs east-west from the southern edge of Holbeach town centre and is to the north of the overall site. The site is part built out.

The site is divided into phases, which were redefined as a result of more recent Section 73 applications and amended legal agreement under applications H09-1031-22 and H09-1093-22 with Phase 1 in the north western portion of the site fronting Hall Gate which is nearing completion. Land for the education facility to the east of Phase 1 behind The Boundaries (currently undeveloped) exists to the east of Phase 1. Phase 3 is split into two areas, with 'Phase 3 North' in the north east of the site behind Oxford Gardens, and next to the land for the education facility, and 'Phase 3 South' along the western boundary of the overall site to the south of Phase 1 and the Care Home granted under H09-1172-20. Phase 3 has not been developed and is subject to a separate application (H09-1044-23) undetermined at the time of writing.

Phase 2 is divided into 2 areas, Phase 2A and Phase 2B. Phase 2A was approved under H09-1031-22 and is under construction. This application represents Phase 2B which includes open space and fronts the Holbeach Old River and covers 115 plots.

History

H09-0521-14 - Residential development of up to 900 dwellings, with access off Hall Gate and Fen Road, including public open space, drainage, infrastructure, landscaping, including demolition of two dwellings and agricultural buildings (but not listed Manor Farm and adjacent buildings) - Outline planning permission approved 7 December 2016.

H09-0331-17 - Reserved matters application for access, appearance, landscaping, layout and scale for highways infrastructure (new link road, roundabout, junctions and modifications to Hall Gate and Fen Road (Phase 1A)), and two phases of residential development totalling 330 dwellings (Phases 1B and 2). Development Brief and Masterplan for phased development of remainder of site (Outline permission H09-0521-14) at Manor Farm, Fen Road (Land south of Hall Gate) Holbeach - Reserved matters approved 9 November 2017.

H09-0416-19 - Modification of Section 106 agreement to: reduce the percentage of affordable housing from 33.3% to 25% of the remaining balance of 570 dwellings; -Manor Farmhouse scheme to be submitted by 100th occupation; - indexation calculation to commence as each phase starts - Planning approval H09-0521-14 - Approved 12 June 2019.

The Section 106 agreement with the outline permission (H09-0521-14) sought to provide policy compliant affordable housing but also included a viability review mechanism. The reserved matters application included a significant amount of upfront infrastructure which would service the whole development, i.e. the roundabout, main roads and drainage. The developer submitted a viability report which was independently checked on behalf of the Council. The result of this was, it was accepted on the basis of the viability evidence that the first phases of development of 330 dwellings could not support the provision of any affordable housing units.

H09-1172-20 - Erection of a 66 bed two storey care home for the elderly with access, car parking and associated works. Approved 28 April 2021.

H09-0845-22 - Land to the West of Fen Road - Erection of 100 dwellings with associated parking, roads and drainage - Withdrawn 16 November 2023.

H09-1118-22 - Holbeach Meadows - Reserved Matters - Erection of 170 dwellings including parking, public open space, drainage, infrastructure and landscaping (Phase 3) - outline approval H09-0521-14 - Withdrawn 16 November 2023.

H09-1093-22 - Holbeach Meadows - Modification of 106 Agreement relating to affordable housing - planning approval H09-0521-14. Approved 5 March 2024. This application modified the overall Section 106 agreement to reduce the number of affordable housing units to 140 units, reduced the overall payment to Peppermint Junction to £900,000 and altered other triggers associated with the agreement enabling later payments for various pieces of infrastructure. This was accepted on viability grounds.

H09-1031-22 - Holbeach Meadows - Access, appearance, landscaping, layout and scale for highways infrastructure (new link road, roundabout, junctions and modifications to Hall Gate and Fen Road (Phase 1A)), and two phases of residential development totalling 330 dwellings (Phases 1B & 2). Development Brief and Masterplan for phased development of remainder of site (Outline permission H09-0521-14) - approved under H09-0331-17. Modification of Condition 1 to allow amendments to previously approved plans. Approved subject to S106 agreement. Approved 11 March 2024.

H09-0598-23 - Manor Farm - Change of Use from Farmhouse and Outbuilding to Community use. Approved 12 March 2024.

H09-0591-23 - Manor Farm - Listed Building Consent - Demolition of modern additions and refurbishment of farm house and outbuilding to provide community facilities. Approved 12 March 2024.

H09-1044-23 Land Off Hall Gate & Fen Road. Erection of 285 dwellings including parking, public open space, drainage, infrastructure, landscaping, access, appearance, layout and scale (Phase 3) - outline approval H09-0521-14 and re-submission of H09-0845-22 and H09-1118-22. Undetermined at the time of writing.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Lincolnshire Police

No objections.

Local Highway Authority and Lead Local Flood Authority

No objection.

On the understanding that this Application seeks to change only the types of dwellings from those that were Consented under reference H09-0331-17 and that all other details remain the same as those previously Consented, the proposed amendments would not be expected to have an unacceptable impact upon highway safety and therefore, the highway authority does not wish to object to this Application.

IDB

Having screened the details of Condition 1 and the proposed modifications, I can confirm that the South Holland Internal Drainage Board has no comments to make.

Whilst the Board has no comments to make regarding the change of house types associated with condition 1, please be reminded of the Board's consent requirements specifically under Byelaw 10 for works proposed within 9m of the Board arterial watercourse known as F38 Holbeach Old River adjacent to the eastern site boundary as shown on the supporting layout documents (Drawing No. 136-PL-01 Rev. A and 136-OL_01 Rev. A) and the adopted policy for determining applications under Byelaw 10 as set out in our Planning & Byelaw Strategy. The applicant is aware of these consenting requirements.

SHDC Environmental Protection

No comments.

Holbeach Parish Council

No objection but if section 106 hasn't been finalised then we would like to request funding for new sports facilities at Netherfield. We are looking into purchasing new goal posts which are in the region of £2-5k.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received.

- we don't have the infrastructure for existing homes and houses that are being built.
- long waiting lists for GP appointments, no NHS, dentists, insufficient school spaces, limited job opportunities, public transport network unreliable, over priced, hours incompatible with factories.
- why not invest in social housing instead?
- will only be afforded by people moving from cities.
- mud and mess on Battlefields.
- please don't feed the greed of the wealthy over the needs of the many in poverty in our area.
- will the school on original plans be built?
- will the infrastructure be improved to take the increased road use?
- what schools, doctors and dentists will serve these homes since all of our amenities are over prescribed and primary schools are declining applications.

Planning Considerations

Key Planning Considerations

The main issues and considerations in this case are:

- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users

Evaluation

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.

Evaluation - Section 73

The proposal relates to the variation of conditions of H09-0331-17, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered. The effect of granting permission would be to issue a new permission with the requested condition being amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'.

The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted". There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and or nature results "in a development which is not substantially different from the one which has been approved".

In this instance, the subsequent amendments, submitted under this Section 73 application, have not varied the description of development.

In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of s.73 in respect of changes to condition which go beyond 'minor' amendments. It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the affect of the change will be significant".

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 principle of developing this site for housing has been established through the granting of outline planning permission under reference H09-0521-14. In the 2019 adopted plan, this site is a committed development site. The site is not within an unsustainable location. There is therefore no conflict with Policy 1 of the SELLP as a result.

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 Existing Anglian Water Main was not correctly plotted on the amended plans at the time of the original approval. Since that time, drainage approval has been obtained and more detailed surveys undertaken to verify the exact location of the Water Main. This has consequences for the layout. Part of the agreement with Anglian Water has also been to establish drainage easements which also affects the layout. Two rows of houses were arranged on either side of this drain as a key spine road. Its re-positioning now affects the position of the houses, effectively having to move northwards, albeit within the overall red line boundary.

From the access point it can be seen that plots 309 to 330 and plots 298, 299, 300, 267, 268, 269, 238 to 216 have all moved position to accommodate that actual position of the Water Main along the southern boundary.

This change in the alignment has consequences for the plots further north which result in them having to change positions within the plot. Some plots, such as plots 286-281 show a very minor adjustment which is not material. This is also the case for Plots 280 to 275, and plots 228 to 220, 219 to 217.

Other changes relate to the re-orientation of plots which occurs for plots 208 to 215. These do not change the size of the gardens and simply organise the space differently.

These changes are within the centre of the site, not near neighbouring properties and have no material impact on the street scene, layout or design.

Some plots have the positions of the plots changed more significantly but still have no significant impact on neighbours, and some have different style garages added. These are plots 251, 252, 253, 254, 257 to 265. Again, these have no significant impact on neighbouring properties.

Plot 298 is repositioned, plot 299 is rotated on its axis, Plot 300 is rotated away from the junction, Plot 297 is set back, plot 296 is very slightly repositioned. All of these overlook the open space and have no impact on neighbours, layout or the street scene. Plot 295 is rotated on its axis and the house type of plot 294 has changed so that it wraps around the corner plot. Plots 272, 291, 289, 293, 288 and 287 show different house types so the design is such that the position of the houses have been readjusted. Again, the change has no significant impact on character, the street scene or neighbours.

The plots closest to the boundary with adjoining properties are plots 288 and 289. In the approved plan, this had a looped road next to them next to the Holbeach Old River, but now has a footpath instead and a private drive. This prevents rat running and is an improvement in design terms. The 9m IDB easement is still maintained once the plots have been re-positioned. There is a 9m IDB easement on the other side of the Holbeach Old River and therefore neighbouring properties are a sufficient distance away. Plot 288 is positioned slightly close to the neighbouring properties on the other side of the Holbeach Old River but it is flank on, there is a main footpath and 9m easement in between. The neighbouring properties are not affected and would not suffer a loss of amenity as a result of re-positioning this plot.

The changes to the overall layout is considered to be satisfactory. Whilst it is recognised that the moving north of plots does result in some plots having very small gardens, for example, plots 208 and 209, these will be evident to future occupiers, and the Local Plan does not have a policy specifying minimum garden depths. It is not considered, therefore, that planning permission could be refused due to small gardens.

New house types have been added to the scheme which are as follows:

Aire - is a 2 storey semi detached 3 bed property with hanging porch covers and contrasting lintels over the ground floor windows. These are on plots 210-215, 243, 244, 281, and 282, 285, 286, 323, 324, 315, and 316.

Balmoral - V is a two storey detached 4 bedroom property with double attached garage. This is proposed on plot 298.

Clyde is a 2 storey 3 bed semi-detached house type with hanging porch cover and contrasting lintels over the ground floor lintels. This is proposed on plots 319, 320, 327 and 328.

Huntingdon is 2 storey semi-detached 3 bed house type with hanging porch covers. This is proposed for plots 239, 240, 247, 248, 262, 263, 264, 265, 283 and 284.

Rutland - V is a detached 2 storey 3 bed house with attracting banding on the front elevation and narrow in form. This is proposed for plots 252 and 253.

Severn-V - is a 2 storey 4 bed detached house with two prominent front gables and integral garage. This is proposed for plots 255 and 256.

Stamford - is a 2 storey 4 bed house type designed for corners as it wraps around the corner allowing active frontage to two sides. This is proposed on Plot 294.

The design of the new house types improve the estate and have no adverse impacts on the street scene.

The material schedule is very similar to that employed on the built part of the wider site and includes brick types of Leicester Multi cream, Leicester Red Stock, Ivanhoe Westminster and Oakmoor Cream, with roof tiles of Condron Concrete Slate Black, Condron Concrete Pantile in Terracotta, Condron Concrete Slate in Country Red, Wienerberger New Cassius Antique Slate and Marley Lincoln Clay Single Pantile. These details are peppered throughout the site to provide variety and are considered satisfactory.

The submission also includes PV layouts which are positioned upon various slopes of plots. These details are considered satisfactory.

The scheme includes changes to garages. A quad garage has been added to plots 260 and 261. A double shared long garage with a front pitch has been added to Plots 258/259 and 299/300. A single long garage has been added to plots 254, and 257. The design of the garages is considered satisfactory and does not adversely affect neighbours or the street scene.

The plots are to all have 7kw electric vehicle car charging points, using universal type socket chargers. Some are to be attached to the garages, some on posts, and some on the front elevation of the dwellings. These details are considered acceptable.

The plans also demonstrate cycle storage, which is either wall mounted or within garages. This is acceptable.

The boundary treatment plan shows four types of boundary treatments. The majority comprises close boarded fences at 1.8m high, which are situated in the majority of back gardens, with 1.8m brick walls on prominent flanks and corners.

The LEAP is bounded by a 1.2m railing fence with an anti-trap bow which is RoSPA approved, painted black and self closing.

Short Knee Rail fencing is shown bordering the private drive to the side of plots 290 and 289, to define this area from the main footpath and the 9m easement to the Holbeach Old River.

The boundary details are considered satisfactory and do not result in an adverse impact in design terms or the street scene.

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).

Impact on Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highways Matters and Parking Provision

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Other than adding garages as detailed above and the addition of a private drive, there are no changes that affect car parking or highway matters. The Local Highway Authority raises no objection.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

This site is a committed development site within the Local Plan so is already a sequentially preferable site.

The re-alignment of the plans showing the accurate position of the Anglian Water Drain and consequent site layout adjustments is beneficial in flood risk terms as it improves the accuracy of the overall layout on the ground. The drainage easement also benefits reducing the likelihood of flooding.

The current proposal makes no changes associated with the approved Flood Risk Assessment, and a revised permission will condition the approved Flood Risk Assessment as approved in the host consent. There is therefore no conflict with Policy 4 of the SELLP.

Other Matters

The comments of the objectors are recognised and acknowledged. However, this application is to modify an existing consent and the nature of the modifications do not affect the overall Section 106 package associated with the site, nor can influence infrastructure matters across South Holland as a whole. Refusing planning permission on the basis of the more general lack of infrastructure and lack of resources for public services would not be reasonable in planning terms, nor are many of the points raised directly related to impacts associated with this planning application.

Other matters such as landscaping and open space, flooding, ecology, archaeology, pollution have been dealt with as part of the host outline consent and associated discharged details, and are not part of the consideration of this application.

Planning Balance

As detailed above, 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 economic terms, future occupants of the houses may work locally, support local services and therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwellings and minor long term benefits of increased spends associated with the household living in the village. The economic benefits resulting from the proposal weigh in favour of the proposal.

In community terms, the proposal would make a contribution, albeit small, towards housing supply in the district. This weighs in favour of the proposal.

In environmental terms the site is within the settlement boundary and is therefore within a sustainable location. This weighs in favour of the proposal.

Overall, the benefits of the proposal outweigh any harm in the overall the planning balance and as such there is no material harm and no compelling reason to withhold planning permission.

Conclusion

The principle of development was established with the outline planning permission. The proposed changes to the positioning and design of the dwellings, as a result of the correct identification of the alignment of the Anglian Water Main, slight boundary changes, and consequent changes to the Cycle Storage Plan, Electric Vehicle Charging Layout, and PV layouts are minor within the context of the host consent. The updated material schedule, withdrawal of house types Balmoral-001 and Sparta, do not adversely affect character or the street scene. The updated house types Balmoral, Clyde, Huntingdon, Rutland, Severn-V, Stamford, together with the addition of the Single Long Garage type, the Double Shared Long Garage type, the Quad Hipped Garage type do not adversely impact amenity, character and are acceptable in design terms. It is considered that the proposal is acceptable taking into account the history of the site and the location of the altered dwellings/layout.

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

It is concluded that planning permission should be approved subject to conditions.