

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0284-21 **Applicant:** Mr S Kennally
Proposal: Erection of 5 two-storey dwellings
Location: Land Off Penny Hill Road Holbeach Spalding
Terminal Date: 14th 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
19	Rural Exception Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 9, 11, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
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	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site is part of an overall area of land that received full planning permission for 26 affordable houses, 4 market houses, sports pavilion and grass football pitches along with associated car parking in March 2014 (ref: H09-0789-11). The number of dwellings on the northern section of the site has since been increased from 26 to 32 (24 no. market housing and 8 no. affordable). Permissions H09-0475-18 and H09-0323-19 refer. The football pitches and pavilion are in situ and development is well underway on the northern section.

This application is to increase the number of market properties on the southernmost area of land from 4 houses (2 no. 4 bed and 2 no. 5 bed) to 5 no. 5 bed houses with detached double garages. Permission has previously been refused for 4 no. 3 bed and 5 no. 4 bed properties (total 9) on grounds that it was contrary to Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019, plus visibility and flood risk issues. Application ref. H09-0863-19 refers.

Site Description

The site (approximately 0.049ha) is located on the eastern side of Penny Hill Road some 110 metres from the A17 junction. It was originally part of a nursery. A bungalow is located to the south and Town Farm Cottage beyond (grade II listed). A bungalow is situated opposite.

History

H09-0789-11 - Full - Erection of 26 affordable houses, 4 market houses, sports pavilion and grass football pitches along with associated car parking - Granted 11 March 2014.

H09-0475-18 - S73A - Erection of 32 dwellings with associated garaging, roads and sewers (24 no. market housing and 8 no. affordable) - Granted 23 January 2019.

H09-0323-19 - S73A - Erection of 32 dwellings with associated garaging, roads and sewers - approved under H09-0475-18 - Modification of Condition 2 to allow amendments to change house type from Bransby to Ribble - Granted 21 November 2019.

H09-0863-19- Full - Erection of 9 dwellings with associated garaging and driveways - Refused 16 December 2019.

Consultation Responses

Holbeach Parish Council - No observations.

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

SHIDB - Proposal will require Board's consent to discharge to a watercourse.

Environmental Protection - Request contaminated land condition.

Public - Request Swift nesting boxes.

Planning Considerations

The main issues in this case are:

- Whether an additional dwelling on this site is acceptable from a policy point of view;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk.

Principle/Sustainability

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

The site has planning permission for 4 market houses (ref: H09-789-11) and permission is sought for one additional property. Since planning permission was granted for the original proposal and also to increase the number of properties upon the northern section of the site there has been a material change in planning circumstance. The outdated South Holland Local Plan, 2006 has been replaced by the South East Lincolnshire Local Plan (adopted March 2019) and the Authority now has a housing land supply exceeding five years.

The site is designated as a housing commitment within the South East Lincolnshire Local Plan, 2019 by virtue of the extant permission for 4 dwellings. However, it is located outside Holbeach Settlement Boundary as defined in the SELLP. It therefore lies within the countryside. Any application for additional residential development should therefore be assessed against Policy 1 (Spatial Strategy). It indicates that development in the Countryside will only 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.

In terms of the first element, it is considered that development is not necessary in this location; for example, in conjunction with agriculture or a rural business. However, Policy 1 of the SELLP also indicates that development in the Countryside will be permitted where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Economic - The proposal would make a short-term contribution to the local economy during the construction stage. Future occupants may also work locally and support local services and contribute towards the local economy.

Social/community - The proposal is deliverable and would make a small contribution to housing supply. The site is some 110 metres north of the A17 and existing settlement limit for Holbeach. It is approximately 1km from the town centre, where the main services and facilities are situated. It is not on a main public transport route. However, Holbeach could be accessed by pedestrians and cyclists via an existing underpass associated with the A17.

Environmental - The site is located within the countryside where existing development consists of a scattering of individual or groups of dwellings, including the new development further to the north and housing off Tolls Lane. A bungalow is situated to the south and green space immediately to the north (football pitches). It is considered that one additional house on this part of the site over and above that already approved would not, on balance, harm the existing rural character of this section of Penny Hill Road.

The proposal therefore complies, on balance, with the sustainable development needs of the area in terms of economic, community or environmental benefits and satisfactorily accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. These policies are in accordance with advice within the National Planning Policy Framework, 2019, which seeks to ensure that new development is sustainable and is in character with its surrounds.

Amenity

A bungalow is situated to the south (Town Farm Bungalow), along with premises used for the storage and manufacture of landscape materials and equipment. A bungalow is situated opposite

(Five Acres). The houses on plots 1 and 2 immediately to the north of Town Farm Bungalow are positioned well away from the common boundary. Close boarded fencing is recommended along the southern boundary to protect the amenity of future occupiers and also the business operation to the south.

It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect or noise and disturbance. The proposal therefore satisfactorily accords with Policies 2, 3 and 30 of the SELLP in this respect.

Highways

The development is served by a private roadway in accordance with the previous approval. Penny Hill is subject to the national limit for single carriageways of 60 mph and there is a bend immediately to the north of the site (to the right of drivers emerging from the site). When the previous application for nine dwellings was considered (ref. H09-0863-19) LCC Highways expressed concern over visibility at the site's entrance, especially to the north. The access to the previous approved scheme was located further to the north and included a 2.4m x 120m visibility splay.

The access point proposed in the current application has been altered from that shown on the previous refusal and is further north. LCC Highways consider that visibility from the access proposed in this application is satisfactory and there is therefore no cause to withhold permission on highway safety grounds. Satisfactory on site parking has been provided.

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

Flood Risk

The site falls within Flood Zone 3 (High Probability) within 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 needs 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 East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

Part of the site has been identified as "Danger for Some" within the Strategic Flood Risk Assessment, which takes into account existing flood defences. However, the site already has an extant consent for four properties and this application is solely for one additional dwelling. It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal is essentially for one additional property on an existing residential site. It is considered that the proposal would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework.

In terms of the second element, the Environment Agency has previously recommended that the

properties be two-storey. Finished floor levels should be set at 3.7m aOD and flood resilient construction should be incorporated within the development up to 300mm above finished floor level. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Heritage

Town Farm Cottage (grade II listed) is located beyond the bungalow to the south. It is considered that the proposed development would not affect the setting of Town Farm Cottage given the separation distances involved and general relationship.

Ecology

It has been requested that the proposed houses include swift nesting boxes. Both the SELLP and Framework indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Planning Balance

It is considered that one additional house on this part of the site over and above that already approved would satisfactorily comply with the sustainable development needs of the area in terms of economic, community or environmental benefits and would not harm the existing rural character of this section of Penny Hill Road or amenity of neighbouring residents. LCC highways have raised no objections on highway safety/parking grounds. Flood risk issues can be addressed by means of conditions. There are no adverse impacts from the proposal that would significantly and demonstrably outweigh the benefits.

Conclusion

The planning balance lies in favour of the scheme.

Recommendation

That the application be approved under delegated powers.

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.