DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0323-19**	**Applicant:**	**Ashwood Homes**
Proposal:	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		
Location:	Penny Hill Road Holbeach Spalding		
Terminal Date:	30th November 2019		

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
17	Providing a Mix of Housing
18	Affordable Housing
19	Rural Exception Sites
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 9, 12, 14, 15 and 16

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for 32 dwellings (24 no. market housing and 8 no. affordable) in January 2019.

The mix was as follows:
2 x 1 bed dwellings;
4 x 2 bed houses;
21 x 3 bed houses;
5 x 4 bed houses.

This application is to change the house type from "Bransby" (4 bed) to "Ribble" (4 bed) on plots 18, 28, 29, 30 and 31.

Site Description

The site (some 0.96 hectares) is situated on the eastern side of Penny Hill Road some 430 metres north of the A17. It is currently vacant but was formerly a nursery. Football pitches and associated changing rooms are situated to the south. A South Holland Internal Drainage Board drain runs along the eastern boundary.

A residential estate (Tolls Lane) is situated to the north of the site and a small Anglian Water Substation to the north-west. Open fields are located to the east. Town Farm Cottage (Grade II Listed) is located some 400 metres to the south.

Holbeach sewage treatment works are situated some 300 metres to the west across open fields.

Policies/Constraints

Site identified as a "Housing Commitment" within the South East Lincolnshire Local Plan (2019).

Within Flood Zone 3 on the Environment Agency Flood Maps. Predominantly within an area designated as "Danger for Some" within the South East Lincolnshire Strategic Flood Risk Assessment (2017).

Planning History

H09-0789-11 - 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 - Full - Erection of 32 dwellings with associated garaging, roads and sewers - Granted 23 January 2019.

H09-0108-19 - Details of conditions 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17 of H09-0475-18 - Granted 23 May 2019.

Representations

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

Material Considerations

The main issue is whether the revised house type is acceptable.

Principle

The site has an extant permission for 32 dwellings (ref: H09-0475-18) and is shown as a housing commitment in the South East Lincolnshire Local Plan, 2019. No objections are therefore raised in principle.

Character/Appearance

The proposed 4 bed house (Ribble) is considered acceptable and would appear satisfactory within the development.

Residential Amenity

Houses associated with Tolls Lane are situated to the north, the majority of which have long rear gardens. The dwellings on Plots 6, 22, 23 and 32 have blank elevations facing north. The dwelling on plot 31(Ribble) has a door only on its northern elevation. Overlooking of neighbouring properties to the north would either be oblique or at a distance. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc, subject to appropriate boundary screening.

The development falls within the 400 metre "cordon sanitaire" associated with Holbeach Sewage Treatment Works (STW). However, Anglian water has previously concluded that odour nuisance would not extend to the boundary of the proposed development.

Highways

The County Highways Authority has raised no objections to the proposal on highway safety grounds.

Other Matters

The education contribution requested by Lincolnshire County Council and affordable housing can be addressed by means of a S106 deed of variation.

Conclusion

The proposal is solely to change the house type from "Bransby" (4 bed) to "Ribble" (4 bed) on plots 18, 28, 29, 30 and 31. It is considered satisfactory.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.