DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0365-22**	**Applicant:**	**Loosegate Developments Ltd.**
Proposal:	Erection of 2 dwellings (Plots 78 & 79), reconfiguration of Plots 75, 76 & 77, reconfiguration of highway turning head and design amendment to Plot 71		
Location:	Wignals Gate Holbeach Spalding		
Terminal Date:	10th March 2023		

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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
18	Affordable Housing
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	1	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks approval for the erection of two dwellings, the reconfiguration of plots 75, 76 and 77, the reconfiguration of highway turning head and design amendments to Plot 71 of planning permission H09-0872-18 at Wignals Gate, Holbeach.

Site Description

The site is located outside the settlement limits of Holbeach to the south of Wignals Gate, however, benefits from permission for the erection 77 dwellings. Construction is currently underway with a large number of the dwellings erected.

History

H09-0200-22 - S73A Continuation - Erection of 77 dwellings and associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. Amend non-adopted roadway in front of plots 68-70. Approved May 2022.

H09-0180-22 - Modification of Section 106 - Modification of 106 Agreement to omit 8 two bed dwellings - relating to H09-0326-17 and H09-1178-19. Refused June 2022.

H09-0188-21 - Full Application - Residential Development comprising 34 dwellings and associated works. Application supported by viability assessment. Application Withdrawn December 2021.

H09-1178-19 - Modified Section 106 Agreement - Modification of 106 Agreement appended to permission referenced H09-0326-17 to ensure delivery of units is in line with the contract programme of works and to allow safe occupation upon transfer of units to SHDC. Approved with Deed of Variation February 2020.

H09-0872-18 - Reserved Matters - Erection of 77 dwellings and associated works - outline approval H09-0326-17. Approved December 2018.

H09-0326-17 - Outline - Residential development. Approved with Section 106 Agreement August 2018.

Consultation Responses

Holbeach Parish Council
No observations.

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
Raised no objections.

Lincolnshire County Council Education
Raised no objections subject to developer contributions.

NHS England
Raised no objections subject to developer contributions.

South Holland Environmental Protection Team
Raised no objections.

South Holland Housing Strategy
Raised no objections.

South Holland District Council's Conservation Officer
Raised no objections.

South Holland Internal Drainage Board
Raised no objections.

Cllr Biggadike
No comments.

Two letters of objection have been received during the course of the application raising concerns over the following:

-Loss of green space and tree planting
-Impact on neighbouring properties amenities
-Noise and disturbance impacts
-Impact on property values

Whilst concerns have been raised over the impacts of the proposal on property values, this is not a material planning consideration and cannot be considered as part of this planning application.

Planning Considerations

Principle

Whilst the site is outside the settlement boundary for Holbeach, the site benefits from an extant permission (H09-0200-22) that is currently being implemented with the construction of 77 dwellings and therefore, the principle of development for the reconfiguration of Plots 75, 76 and 77 is considered acceptable.

With regards to the provision of two additional dwellings, the principle of development is considered

to be acceptable in this instance as they would be situated within the existing site area would not result in the loss of any further countryside land than previously agreed. Furthermore, whilst the impacts would be minimal, the creation of two additional dwellings would contribute towards supporting Holbeach in its role as a Main Service Centre in accordance with adopted Local Plan.

Overall, the principle of development is considered acceptable, subject to all other planning matters being addressed.

Scale, Design and Layout

The proposal would see Plots 76 and 77 relocated further west to make room for a new dwelling, Plot 78 which would be positioned between Plots 75 and 76. The proposed new dwelling, Plot 79, would be located west of Plot 50, north of Plot 76 and south of Plot 51 and would replace a previously approved area of soft landscaping.

The housetypes of the proposed two dwellings are considered to be acceptable and would replicate those previously approved on site. The proposed reconfiguration of Plots 75, 76 and 77 is considered to be acceptable, would reflect the overall previously approved form and layout of the wider site and would not be to the detriment of the character or appearance of the site.

As such, the proposal is considered to be acceptable in terms of scale, design and layout and is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and the guidance within the National Planning Policy Framework (NPPF, 2021).

Flood Risk and Drainage

The site is located within Flood Zone 3 and is located in an area that is of no flood risk to people in accordance with the South East Lincolnshire Strategic Flood Risk Assessment (2017). In order to mitigate against flood risk, the submitted Flood Risk Assessment recommends that finished floor levels are 0.5m (single storey) and 0.3m (two storey) above ground levels with 0.3m of flood resilient construction above finished floor level. This is considered to be acceptable and would be conditioned as part of planning permission granted.

Furthermore, a condition would be imposed on any planning permission granted to ensure the development is constructed in accordance with the submitted Surface and Foul Water Drainage Strategy.

Impact on Neighbouring Amenity

The proposed new dwelling and reconfiguration of previously approved dwellings are not considered to result in any detrimental overlooking, overbearing or overshadowing impacts over and above that which has previously been considered acceptable. Whilst concerns have been raised over the impacts of Plot 79 on Plot 50, it is noted that whilst the dwellings would be in close proximity to each other, its relationship would be no different to those east of Plot 50 with Plot 79 not extending beyond the rear most elevation of the neighbouring property.

As such, the proposal is considered to be acceptable in this regard in terms of Policies 2 and 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019).

Highway Safety

Policy 36 and Appendix 6 of the South Eats Lincolnshire Local Plan (SELLP, 2019) outlines the requirements for off-street car parking provision for development - two spaces for dwellings with up to three bedrooms and three spaces for dwellings with four or more bedrooms.

As shown on drawing number PD502 Rev PL, there is adequate space within the boundaries of the properties, including the proposed garaging to accommodate an appropriate level of off-street parking. Accordingly, the proposal is considered to satisfy Policy 36 and Appendix 6 of the adopted Local Plan (SELLP, 2019).

The proposal also includes the extension of the adopted road and the alteration to the turning head. Lincolnshire County Council Highway Authority have raised no objections to the proposal and is therefore deemed acceptable in terms of highway safety.

Other Matters

Whilst the proposal would result in the loss of previously approved soft landscaping and concerns have been raised by neighbouring properties on this matter, a soft landscaping strip along the western boundary would remain and would be in close proximity to the public open space which seeks to provide soft landscaping to contribute to the character of the area.

The application is accompanied by a Section 106 Agreement to secure contributions relating to health and education.

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 proposal generally accords with the policies of the adopted South East Lincolnshire Local Plan (SELLP, 2019) plus advice within the National Planning Policy Framework (NPPF, 2021). There are no other material considerations that indicate planning permission should not be granted in this instance.

Conclusion

Approve, subject to Section 106 Agreement.

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.