

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0489-23 **Applicant:** R K Wilson Builders Ltd.

Proposal: Residential Development - 4 Dwellings - approved under H09-0670-22. Modification of Condition 1 to allow amendments to previously approved plans.

Location: Off Chapel Drove Holbeach Drove Spalding

Terminal Date: 20th July 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 Modification Application at land off Chapel Drove, Holbeach Drove for Residential Development - 4 Dwellings - approved under H09-0670-22. Modification of Condition 1 to allow amendments to previously approved plans. The proposal differs from the previous approval of H09-0670-22, as it seeks the removal of trees and hedging to the north-west rear of the site, and the installation of 1.2 metre high post and rail fencing to allow improve access for the South Holland Internal Drainage Board.

The location and design of the dwellings has not altered from the previous application H09-0670-22. The proposal seeks to provide 2 two storey dwellings at Plots 1 and 4 to the front of the site, with 2 single storey bungalows at Plots 2 and 3. Plots 1 and 4 are mirror images of each other and will contain a lounge, study, wc, utility and an open plan dining / kitchen / snug area at ground floor level. At first floor four bedrooms, a bathroom and an en-suite will be provided. Both plots will have a detached single garage. Proposed materials for Plots 1 and 4 are Vandersanden Orea brick with Crest Planum Grey tiles.

Plot 2 will contain an integral single garage, three bedrooms, an en-suite, bathroom, lounge and a combined kitchen / dining area. Plot 3 will contain an integral single garage, three bedrooms, an en-suite, bathroom, utility, wc lounge and a combined kitchen / dining / snug area. Proposed materials for Plots 2 and 3 are Vandersanden Zinnia brick with Crest Planum Grey tiles. Bat bricks and swift bricks are to be installed on all properties.

SITE DESCRIPTION

The site has recently been populated with greenhouse buildings and brick built storage buildings, and is within the defined settlement limits of Holbeach Drove. There is existing development to the north and east, and dwellings and arable land outside of defined settlement limits to the south and west. The site is in Environment Agency Flood Zone 1 and not subject to increased flood depth or hazard on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H09-0542-19

Outline - Residential development - Approved - 12 July 2019.

H09-0122-21

Full - Proposed residential development - 4 dwellings - Approved - 07 May 2021.

H09-0670-22

Reserved Matters - Residential Development - 4 Dwellings - Outline Approval H09-0542-19 - Approved - 01 February 2023.

H09-0399-23

Condition Compliance - Details of contamination of land or pollution of controlled waters and archaeological investigation. (Conditions 7, 8, 9 and 10 of H09-0542-19) - Undecided as of 19 June 2023.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection.

"The the amendment that appears to be being proposed in this Application is to change the construction of the private road serving the dwellings from the Consented block pavers to gravel. Whilst this is regarded by the highway authority as a retrograde step - because unless adequately graded and compacted during construction and thereafter properly maintained, the un-bound stones have a habit of being tracked out onto the public highway - it has not been proven sufficiently demonstrable that this form of construction would inevitably have an unacceptable impact upon highway safety. Therefore having given due regard to the appropriate local and national planning policy guidance, in particular the National Planning Policy Framework, Lincolnshire County Council, as Highway Authority and Lead Local Flood Authority does not wish to object to this planning application."

Holbeach Parish Council

No objection.

South Holland Internal Drainage Board

"I understand that you have spoken with my colleague Dominic Morris (Operations Manager at South Holland IDB) regarding the bushes/vegetation that line the watercourse down at Chapel Drove, Holbeach Drove.

I would like to confirm that the Board issued consent for works at the development site at Land off Chapel Drove, Holbeach Drove and a condition of that consent was that the "existing bushes/vegetation encroaching from the site and over the southern bank of the Board maintained watercourse are to be removed as part of the installation of the replacement fence, so that there is no vegetation between the proposed fence (specified below) and the watercourse". This condition was put in place by the Board to ensure that we can safely and effectively carry out our maintenance responsibilities which is a statutory function of the Board in its aim to reduce the risk of flooding.

We reminded the applicant in writing that it is the applicant's responsibility to ensure no loss of protected species or habitat as a result of the consented works and a survey may need to be undertaken as well as specialist advice to be sought from a qualified ecologist. The Board also reminded the applicant regarding nesting bird season ("Mindful of the bird nesting season, we advise that it is your responsibility to check for nests and nesting birds, and this should be undertaken by an ecologist before any works. Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England at their Lincoln office on 03000 603900.").

MATERIAL CONSIDERATIONS

Principle

Policy 1 of the SELLP directs developments to the most sustainable locations. As Holbeach Drove is defined as an Other Service Centre, residential development is confined to allocated and infill sites. This plot has development to the south, north and east and is therefore considered to constitute infill. This site is therefore deemed to be a sustainable location for development.

The proposal therefore accords to Policy 1 of the SELLP and as such, the principle of development in this location is sound.

Flood Risk / Site Levels

Policy 4 of the SELLP and Section 14 of the NPPF involve mitigating and adapting to flood risk as well as drainage issues.

The site is in Flood Zone 1 on the Environment Agency Flood Map and not affected by increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water is to be addressed by infiltration, with foul water addressed by a treatment plant located in a shared area to the west of the detached garage of Plot 4. It is therefore not considered that there is a material flood risk on this site.

Character / Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states 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.

The existing hedge to the front of the site will remain. Silver Birch and Magnolia trees will be dotted throughout the site. Whilst trees and shrubs to the rear of the site will be removed to allow for IDB drain access, this does not materially detract from the overall appearance of the site and a large amount of hedging and trees are to be retained or planted. Proposed materials for Plots 1 and 4 are Vandersanden Orea brick with Crest Planum Grey tiles. Proposed materials for Plots 2 and 3 are Vandersanden Zinnia brick with Crest Planum Grey tiles. The proposed materials are considered to be appropriate for the site and are in keeping with those of the surrounding area.

There is not considered to be a material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There is not considered to be a material odour, noise or disturbance impact from the proposal. With regard to visual intrusion the following can be observed -

Overdevelopment - The proposal is not considered to represent overdevelopment. The plots sizes are comparable to those on the opposite side of Chapel Drove.

Overshadowing - When right to light lines are drawn there is not considered to be an overshadowing aspect to the neighbouring plots or existing dwellings.

Overlooking - There is not considered to be a material overlooking aspect between neighbouring plots or existing dwellings. Plots 2 and 3 and 3 are single storey and are separated from other plots by 1.8 metre high timber fencing. The separation distance from frontage Plot 4 to rear Plot 3 is over 21 metres. The separation distance between Plots 1 and 2 is 20 metres, however, beyond the detached garage in the rear garden there is a 1.8 metre high timber fence then the blank side elevation garage wall of Plot 2. The separation distances to dwellings on the opposite side of Chapel Drove is 23 metres to Hawthorns, 25 metres to Conifers and 25 metres to Login House.

There is not considered to be a material impact on amenity from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Housing Need

Policies 10 and 11 of the SELLP set out the required housing needs for the district.

Policy 17 states that a mix of housing is required to meet the needs of the local population. The proposed two storey dwellings and bungalows would help achieve this variation in property types. As the proposal is small in nature, the actual benefit to the housing stock is minimal, but should still weigh positively in favour of the development.

The proposal therefore conforms to Policy 10, 11 and 17 of the SELLP by providing a suitable mix of housing to the area.

Private driveways

Outline planning permission was granted for this site prior to the adoption of the Environmental Services refuse collection guidance. Plot 3 is 29 metres away from the highway, and Plot 2 is 39 metres away at the nearest point. The guidance states that dwellings on private roads should not be sited more than 30 metres from a collection point to enable a sensible carrying distance. Under the refuse collection guidance a collection point or private collection service would be required, however, as outline approval was granted prior to adoption of this guidance, this matter cannot be addressed by condition.

Crime prevention

The removal of the northern boundary trees and hedging does not materially impact the potential of crime due to the large drainage ditch acting as a deterrent. The adjacent land beyond the northern boundary is not served by a footpath.

Parking / Highway Safety

The proposed access has good visibility in both directions. Each dwelling has at least 3 off road parking spaces. This is the minimum amount requested under Appendix 6 of the SELLP for properties with four bedrooms or greater. Each property accords with this policy. There is a bus stop that is a one minute walk away from the dwellings, with a route that runs to Spalding and Wisbech. The removal of the trees near the northern site boundary is not considered to impact highway safety. The County Highways & SUDS Officer has no objection and requests access, private road and utility informatives.

PLANNING BALANCE

It is considered that following submission of amended plans the proposed layout and design of dwellings is acceptable for the site and does not materially impact on amenity of future occupants or existing neighbouring properties.

CONCLUSION

This application is considered to be in accordance with Policies 1, 2, 3, 4, 10, 17, and Appendix 6 of the South East Lincolnshire Local Plan, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

RECOMMENDATION

This application is recommended for approval.

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.