

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0683-21	Applicant:	Messrs Stevens & Carman
Proposal:	Demolition of glasshouse and erection of 2 detached dwellings - approved under H09-0783-18. Modification of Condition 2 to allow amendments to previously approved plans and removal of Condition 6 relating to Contamination.		
Location:	Plot 1 (Middle Earth) And Plot 2 (Emmanuel House) Main Road Holbeach Drove		
Terminal Date:	18th August 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021

Section 2. Achieving sustainable development.
 Section 5. Delivering a sufficient supply of homes.
 Section 11. Making effective use of land;
 Section 12. Achieving well-designed places.
 Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for 2 no. 4 bed houses in June 2019 (ref. H09-0783-18). This application is to revise the scheme as described by the agent below:

"The new design presents a slightly larger floorspace increase of 19%, but in substance the designs are largely unchanged. The dwellings are moved away from the road by 1.2m to enable increased access turning at the side of Plot 2 (to the land at the rear). An access point for Plot 1 from the existing shared driveway is also shown. The garages are as the previous planning approval and the general floor layouts are also as previously approved, just increased to the rear at ground floor and the ground and first floor to the front elevations. All aesthetics remains as the previous approval."

Site Description

The site is within an existing frontage and was formerly occupied by glasshouses. It is currently vacant.

A house (Main Road Nursery) is situated to the east beyond a close boarded fence and high Leylandii hedge, plus a greyhound sanctuary at the rear. A bungalow (Kel Mar) is situated to the west. A number of caravans and a mobile home are presently situated on land at the rear, with access through the site.

History

H09-0783-18 - Full - Demolition of glasshouse and erection of 2 detached dwellings - Granted 24 June 2019.

H09-0762-19 - C/C - Details of scheme to deal with contamination (Condition 6 of H09-0783-18) - Approved 26 September 2019.

H09-0845-21 - Full - Change of use from paddock to a residential use for travellers (retrospective) including 4 static caravan pitches, and associated touring caravans pitches - Under consideration.

Consultation Responses

Holbeach Parish Council

No response.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

Environmental Protection

No comments or objections.

Public

Comments received (summarised):

Concerned about new access to the rear; Properties more cramped; Land at rear been occupied for several weeks by residential caravans and a mobile home without authorisation; Application should be deferred until such time as the application on the land at the rear has been submitted and determined; Request Swift nesting boxes.

Planning Considerations

Principle of development

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 site is inside Holbeach Drove Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Holbeach Drove, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited committed sites and infill. In this case the proposed development is frontage infill within the existing village fabric.

Moreover, there is an extant permission for 2 dwellings and this is solely a modification. The principle of residential development has therefore been established. The proposal therefore satisfactorily complies with Policy 1 of the South East Lincolnshire Local Plan, 2020 in locational terms.

Design and layout

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The dwellings have been moved slightly further back on the site. The house and detached garage on plot 2 has been re-positioned further to the west and an access created to the rear. The front and rear projections have also been extended. The building line relates more closely to the adjacent dwellings and the general spacing and design of the properties is still considered acceptable. The proposal would not materially harm the existing streetscene or character/appearance of the area.

The amended proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

A house (Main Road Nursery) is situated to the east beyond a close boarded fence and high Leylandii hedge, plus a greyhound sanctuary at the rear. A bungalow (Kel Mar) is situated to the west.

The house design remains fundamentally similar. Plot 1 has bathroom and en-suite windows only on its western elevation at first floor level facing Kel-Mar. A Lleylandii hedge is situated on the common boundary. Plot 2 also has similar windows on its eastern elevation at first floor level and it is separated from Main Road Nursery by a closeboarded fence and high Lleylandii hedging. It is considered that the proposal would not materially harm the amenity of neighbouring residents in

terms of overlooking, lack of privacy, overshadowing or overbearing effect.

With regard to the proximity to the greyhound sanctuary, Paragraph 187 of the National Planning Policy Framework, 2021 addresses impact on future occupants from existing businesses. The paragraph states:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Experience has shown that greyhounds are generally a quiet breed and normally only bark during feeding time and/or training. Complaints are therefore uncommon. Nevertheless, it is recommended, as previously, that an informative be included on the decision notice to adequately inform future occupants of a potentially noise generating use in the vicinity, and that by moving into one of the two approved properties they would do so in knowledge of this fact.

Noise during construction is a temporary inconvenience, and noise from or to the future occupants would be addressed by the Environmental Health Officer should a complaint be made.

The proposal therefore satisfactorily complies with policies 2, 3 and 30 of the SELLP in terms of amenity.

Flood risk and drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

The site is within Flood Zone 1 on the Environment Agency Flood maps and within an area of no hazard within the South East Lincolnshire SFRA respectively. The proposal therefore passes the sequential test in terms of flood risk.

Foul water would be disposed into package treatment plants in view of the lack of main sewers in the area and soakaways would be installed, with the size and type determined after soil percolation tests.

Highway safety and car parking provision

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

A new central twin access would be formed and turning facilities have been provided for both properties. Each property would have at least 3 car parking spaces. The County Highways Authority has raised no objections on highway safety grounds.

The proposal satisfactorily complies with policies 2, 3 and 36 of the SELLP in term sof highway safety/parking standards.

Contamination

Environmental Protection have assessed the submitted Contamination Report Desk Study and make no comments or objections to this application.

Other matters

Concerns have been raised over the development of the land at the rear. An application has now been submitted for a change of use from paddock to a residential use for travellers (retrospective), including 4 static caravan pitches, and associated touring caravans pitches (ref. H09-0845-21). The latter will be assessed on its own planning merits. It is considered that the current application can be determined independent of that application. The granting of permission for the new driveway at the side of plot 2 does not automatically imply that the travellers site is acceptable.

A request has been made for the installation of Swift nesting boxes. However, the inclusion of a condition at this late stage is considered unreasonable given that the proposal is solely a modification.

Planning balance

The principle of residential development upon the site has already been established. The form of development would be in keeping with existing character/appearance of the streetscene and general area. The amenity of nearby residents would not be materially harmed.

The dwellings have satisfactory car parking arrangements within the plots and no cumulative impact upon highway safety is anticipated by the proposal. Satisfactory drainage details have been submitted. There are no flood risk issues in this case.

No adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

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.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12 and 14 of the National Planning Policy Framework (2021).

Accordingly, it is recommended that the application be approved under delegated powers.