

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0857-24 **Applicant:** Mr B Dawson

Proposal: Erection of 6 two-storey dwellings

Location: Land Off Penny Hill Road Holbeach Spalding

Terminal Date: 4th April 2025

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
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	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	1	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the erection of six two-storey dwellings. The proposed dwellings are all detached and each dwelling features two storeys. Car canopies are proposed in front of each of the dwellings. A shared driveway is also proposed from Penny Hill Road, running to the north of the proposed dwellings.

Site Description

The application site is located on the eastern side of Penny Hill Road, approximately 110m to the north of the A17. A bungalow is located to the south of the site, and there is a grade II listed building (Town Farm Cottage) located further to the south of the site.

The site is part of an overall area of land that received full planning permission for 26 affordable houses, 4 market houses, a sports pavilion and grass football pitches along with associated car parking in March 2014 (ref: H09-0789-11). The number of dwellings on the north section of the site has since been increased from 26 to 32 dwellings. The football pitches and pavilion have been constructed.

The site is located outside of the settlement boundary of Holbeach, as identified by the South East Lincolnshire Local Plan, and the accompanying policies map.

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

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

H09-0863-19: Erection of 9 dwellings with associated garaging and driveways - refused 16 December 2019

H09-0284-21: Erection of 5 two-storey dwellings - approved 20 May 2021

H09-0421-23: Erection of 5 two-storey dwellings - approved under H09-0284-21. Modification of Condition 2 to allow amendments to previously approved plans and Condition 7 to amend the means of discharge of foul water to a package treatment plant approved 10 July 2023

H09-0347-24: Details of contamination of land or pollution of controlled waters (Condition 9 of H09-0421-23) - condition discharged 19 August 2024

H09-0036-24: Details of external materials, landscaping & tree planting & ecology management scheme (Conditions 3, 4 & 11 of H09-0421-23) - conditions discharged 04 April 2024

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on the South Holland website.

Holbeach Parish Council: Support the proposals.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

The applicant has indicated that they wish to discharge treated foul water to a watercourse following treatment via package treatment plants. This proposal will require consent under Byelaw 3.

I note the presence of a Board Maintained watercourse (DRN206G2105 - P21 Holbeach River) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I note that the applicant intends to install an outfall and infrastructure to facilitate the discharge of treated foul water within 9 metres of the aforementioned Board Maintained watercourse. To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application.

Historic Environment Officer: Having reviewed the application documents and the updated available Historic Environment information for this application (including the results of a previous archaeological evaluation from 2012-ELI11398 - Land at Penny Hill Road, Holbeach), the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Highways and SUDS Support: The site has a previous approval for 5 two storey dwellings. This proposal is for an additional dwelling - all will be 4 bed and have adequate parking and turning on a private drive. The access arrangements remain the same and the access shall be constructed to Lincolnshire County Council Specification. The proposal will not have an adverse impact on the public highway. Highway Informatives 04 and 08 are recommended.

Environmental Protection: After assessing the phase 1 contamination risk assessment document supplied I would agree with the findings and have no further comments to make.

Conservation Officer: No objections.

Ecology Officer:

First Response (19 November 2024): I think the wording of the condition you suggested looks good, however, I think we need a bit of clarification from the applicants in regard to the BNG assessment and metric calculations as below so that we are clear on what is being proposed and agreed: 1. The metric has recorded the strategic significance of trees and mixed scrub in the postdevelopment values as "ecologically desirable", however, this is not the approach to assigning strategic significance that we are taking in the absence of a published LNRS, and these should be correctly recorded as: "Area/compensation not in local strategy/ no local strategy". If I make the appropriate corrections within the metric (assuming the BNG habitats are planted and managed in open public space). Then the applicants will need to secure 0.93 area-habitat units on the site, and these will need to be secured and evidenced pre-commencement (e.g., purchased from a habitat bank and/or from bespoke habitat creation/enhancement off-site that is secured via a section 106

planning obligation). Lastly, I support the biodiversity enhancing recommendations included in the BNG Impact Assessment and Enhancement Plan, however, I also strongly recommend that each dwelling should incorporate 1 to 3 internal universal nest bricks (e.g., Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM), suitably placed by a knowledgeable ecologist.

Second Response (20 February 2025): The amended Statutory Biodiversity Metric is now suitably rigorous and accurate. Therefore, the authority can be relatively confident in the assessment, which concludes that the applicants will need to secure 0.93 biodiversity units off-site to achieve the 10% biodiversity net gain requirement. The applicants could achieve this either on land they own elsewhere or by purchasing the relevant number of units through a habitat bank.

CLlr C Worth: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority (LPA) makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk and Drainage;
- Heritage; and
- Biodiversity.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The nearest settlement is Holbeach which is defined as a 'Main Service Centre' by Policy 1 of the Local Plan. The site is however located outside the settlement boundary of Holbeach and the site therefore lies within the countryside in planning policy terms. It is therefore necessary to assess the proposed development against Policy 1 (Spatial Strategy). Policy 1 indicates that development within 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.

As set out above, planning applications have previously been submitted within the site and these planning decisions form a material consideration in the determination of the current application. The site was granted planning permission for four market houses under permission H09-0789-11 on 11 March 2014. This was part of a larger site that was also granted approval for 26 affordable homes, a sports pavilion and football pitches. The current application site therefore overlaps the development that was approved under permission H09-0789-11. This permission was implemented and most of the approved scheme was constructed, however, the four market dwellings within the current application site were not constructed. As permission H09-0789-11 was implemented and the site has been granted approval for four dwellings, these dwellings could still potentially be constructed. As such, this represents a fall back position that needs to be considered in the determination of the current application.

The current proposals seek consent for an additional two dwellings, bringing the total to six dwellings. The site layout has been revised as a result. It is considered that the impact of two additional dwellings would not have a significantly greater impact on the area than the provision of four dwellings. For example, the provision of two additional dwellings above the already consented four dwellings would not unacceptably alter the visual impact of the development or significantly increase the trip generation to and from the site.

Other previous applications are also relevant. For example, it is acknowledged that permission was previously refused for nine dwellings within the site under H09-0863-19 on 16 December 2019. Permission was however subsequently granted for five market dwellings under permission H09-0284-21 which was approved on 14 May 2021. This permission was subsequently amended through permission H09-0421-23 on 10 July 2023. Although the pre commencement conditions have been discharged, it does not appear that either of these permissions have been implemented.

Whilst the site is within the countryside in policy terms, the site would not be in a particularly isolated location. There is development to the north and the south of the site. There is access from the site to local services and facilities in Holbeach. As a Main Service Centre, Holbeach is one of the most sustainable locations for new development with South Holland. The site has previously been granted permission for four dwellings, and this represents a valid fall back position. Whilst development within the open countryside of this nature would not typically be acceptable, even in instance with such proximity to the settlement boundary and built form, the proposed development of six dwellings is therefore considered to be acceptable on balance; with notable weight attributed to the extant permission on site. The proposed development therefore accords with Policies 1, 2 and 3 of the Local Plan. These policies accord with the aims of the NPPF which seeks to ensure that new development is sustainable and is in character with its surrounds.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The application seeks consent for six dwellings. The dwellings face northwards and are proposed to be accessed via a private driveway along the northern edge of the site. Each of the proposed dwellings features a gable end roof form. Plots 3 and 5 feature a two-storey front projection with a

ridgeline set at a reduced height. Plots 3 and 5 are taller than the other dwellings and measure 9.2m from the ground level to the roof ridgeline, whereas the other dwellings measure 8.9m.

The proposed dwellings feature similar appearances and plots 1, 2, 4 and 6 feature symmetrical front facades. These plots also feature similar front porches, and this will help create a sense of cohesion on the street scene. Plots 3 and 5 differ in terms of their appearance as they do not feature symmetrical front facades, however their appearance is nonetheless acceptable.

Car ports are proposed in front of each of the proposed dwellings. The car ports each measure approximately 6m by 6m, and 4.8m in height. The car ports feature a hipped roof form. The proposed materials initially included timber posts with clay pantiles. However, this has been amended during the determination of the application. It is now proposed that the roof materials of each car ports matches the corresponding dwelling. The visual impact of the car ports is acceptable.

The proposed materials are set out within the submitted Material Schedule. Plots 1, 4 and 5 are proposed to feature red brickwork (Mottram Multi) and Marley Red Double Pan roof tiles, whereas plots 2, 3 and 6 are proposed to feature Broadstone Buff Multi bricks and Marley Flat Smooth Grey Concrete roof tiles. There would therefore be a mixture of red brickwork and cream brickwork on the street scene.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area, and would therefore accord with Policies 2, 3 and 29 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the positioning and scale of the proposed dwellings, the proposed development is not expected to result in an unacceptable degree of overshadowing.

The first-floor side elevation windows on the proposed dwellings are all either connected to bathrooms or hallways, which are not classed as frequently habitable rooms. It is considered appropriate to include a condition requiring the side windows to be obscure glazed for privacy reasons.

Town Farm Bungalow is located to the south of the site, and this is the nearest dwelling. Land to the south of the site is also used for storage and for the manufacturing of landscape materials and equipment. There would be suitable separation distances between the proposed dwellings and Town Farm Bungalow to prevent an unacceptable degree of overlooking.

Five Acres is located on the opposite side of Penny Hill Road, to the west of the site. It is not considered that any of the proposed dwellings would unduly overlook Five Acres due to the proposed separation distances.

Close boarded fencing is recommended along the southern boundary to protect the amenity of future occupiers and the business to the south of the site.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual

cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

A private driveway is proposed to serve the six dwellings. Penny Hill is subject to the national limit for single carriageway of 60mph and there is a bend immediately to the north of the site (to the right of drivers emerging from the site).

The council's highways team consider that visibility from the proposed access would be acceptable. There is sufficient space for parking and turning within the site for each of the proposed dwellings. Lincolnshire County Council's highways team have set out that they have no objections to the proposals.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland 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.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is not considered that there are any site-specific reasons as to why the proposed six dwellings need to be located within Holbeach as opposed to another settlement. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. Furthermore, consent has previously been granted for

residential development within the site. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

- "a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The proposed development would provide a minor contribution to the area's housing land supply, and this is afforded some weight. This could help benefit the community as future occupants might help sustain local business and facilities, and become part of the local community.

In terms of whether the proposed development is safe, within the SFRA, the site is within the 'low hazard' area and the 'Danger to Some' hazard area. The mitigation that is recommended for minor residential development in these types of hazard areas is set out within Appendix C of the SFRA. In this case, as the peak flood depth across the site is between 0m and 0.25m, the recommended mitigation includes setting the finished floor levels at 0.3m above the ground levels. This is set out within the submitted FRA. It is therefore considered appropriate to include a condition requiring compliance with the FRA.

Surface water is proposed to be discharged via soakaways. This is acceptable in principle as this is a sustainable form of drainage. No details have been provided to demonstrate the feasibility of this and as such it is considered appropriate to include a condition requiring details of the soakaways.

Foul water is proposed to be discharged to package treatments plant which are shown within the rear gardens of the dwellings on the submitted site plan.

It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of the flood risk management of the site and the proposed drainage strategy.

Heritage

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

Biodiversity

Policy 28 of the Local Plan outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly green space will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposal shall provide and overall net gain in Biodiversity.

Section 15 of the NPPF relates to conserving and enhance the natural environment. Paragraph 180(d) of the NPPF for instance sets out that planning decision should provide net gains for biodiversity. Furthermore, the delivery of biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%.

In this case, the applicant has submitted a BNG calculation which sets out that the applicants need to secure 0.93 biodiversity units off-site to achieve a 10% in net gain. The council's ecology officer has reviewed the submitted information and agrees that it is accurate. The off site units can be secured through a pre commencement condition and this has been agreed with the applicant's agent.

The council's ecology officer has recommended that swift nest provision is accommodated within the proposed dwellings. As such, it is considered appropriate to include a condition requiring swift net boxes.

The proposed development is therefore acceptable in terms of biodiversity. The proposal would

therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 28, 30, 33 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to

above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.