

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0863-19	Applicant:	Mr B Gibson - Ashwood Homes
Proposal:	Erection of 9 dwellings with associated garaging and driveways		
Location:	Land Off Penny Hill Road Holbeach Spalding		
Terminal Date:	28th October 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 9, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND				

INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site is part of an area of land that received full planning permission for 26 affordable houses, 4 market houses, sports pavilion and grass football pitches along with associated car parking in March 2014 (ref: H09-789-11). The number of dwellings on the northern section of the site has since been increased from 26 to 32 (24 no. market housing and 8 no. affordable). Permissions H09-0475-18 and H09-0323-19 refer.

This application is to increase the number of market properties on the southernmost part of the site from 4 houses (2 no. 4 bed and 2 no. 5 bed) to 4 no. 3 bed and 5 no. 4 bed (total 9).

Site Description

The site (approximately 0.049ha) is located on the eastern side of Penny Hill Road some 110 metres from the A17 junction. It was originally part of a nursery. A bungalow is located to the south and Town Farm Cottage beyond (grade II listed).

History

H09-0789-11 - Full - 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 - S73A - Erection of 32 dwellings with associated garaging, roads and sewers (24 no. market housing and 8 no. affordable) - Granted 23 January 2019.

H09-0323-19 - S73A - 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 - Granted 21 November 2019

Consultation Responses

Holbeach Parish Council - Comments. Awaiting further information.

LCC Highways/SUDs - Request additional information relating to visibility.

SHIDB - Proposal will require consent to discharge to a water course.

SHDC Environmental Protection - Request contaminated land condition.

LCC Archaeology - No further archaeological input required.

Planning Considerations

The main issues in this case are:

- Whether additional dwellings are necessary/acceptable on this site having regard to social, economic and environmental factors, including the effect of the development upon the rural

character and appearance of the rural locality;

- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as heritage and flood risk.

Principle/Sustainability

In accordance with Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, the determination must be made in accordance with the development plan, unless material considerations indicate otherwise.

The site has planning permission for 4 market houses (ref: H09-789-11) and permission is sought for 5 additional properties. Since planning permission was granted for the original proposal and also to increase the number of properties upon the northern section of the site there has been a material change in planning circumstance. The outdated South Holland Local Plan, 2006 has been replaced by the South East Lincolnshire Local Plan (adopted March 2019) (SELLP) and the Authority now has a housing land supply exceeding five years (6.07 years as at 31st March 2019).

The site is designated as a housing commitment within the South East Lincolnshire Local Plan, 2019 by virtue of the extant permission for 4 dwellings. However, it is located outside Holbeach Settlement Boundary as defined in the SELLP. It therefore lies within the countryside in planning policy terms. Any application for additional residential development should therefore be assessed against Policy 1 (Spatial Strategy). This policy directs new development within the settlement boundaries of Sub- Regional Centres, followed by Main Service Centres, Minor Service Centres and Other Service Centres. It indicates that development in 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.

In terms of the first element, it is considered that there is not sufficient justification for additional housing in this location. The Authority has a published 5 year housing land supply, the site is not an allocated site within the Local Plan and is not within a settlement boundary. It is not affordable housing and is not required for a rural worker to live permanently at or near their place of work in the countryside.

Policy 1 of the SELLP indicates that development in the Countryside will be permitted where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Economic - The proposal would make a short term contribution to the local economy during the construction stage. Future occupants may also work locally and support local services and make a contribution to the local economy.

The four market houses were originally permitted to help facilitate the provision of significant additional affordable housing to meet local needs. They were also required as a form of "enabling development" to help subsidise the provision of an important community facility within Holbeach. A financial viability report was submitted demonstrating that the properties were required to make the scheme viable. The football complex has been completed and the affordable housing is now under construction. It has not been demonstrated that additional market housing is required on viability grounds.

Social/community - The proposal is deliverable and would make a small contribution to housing supply. The site is some 110 metres north of the A17 and existing settlement boundary for Holbeach. It is approximately 1km from the town centre, where the main services and facilities are situated. It is not on a main public transport route. However, Holbeach could be accessed by pedestrians and cyclists via an existing underpass associated with the A17.

Environmental - The site is located within the countryside where existing development consists of a scattering of individual or groups of dwellings, including new development further to the north and housing off Tolls Lane. A bungalow is situated to the south and green space immediately to the north (football pitches). Development previously permitted on this site is well spaced. It is considered that the proposed development would domesticate and urbanise the site and consolidate existing residential development within the countryside, to the detriment of its prevailing rural character.

If permitted, the proposal would encourage further applications of a similar nature, which would then be hard to resist, contrary to the aims and objectives of both the Local Plan and Framework to ensure that new development is sustainable and protects the character and appearance of the area and countryside.

The proposal is therefore contrary to Policies 1 (Spatial Strategy) and 2 (Development Management) of the South East Lincolnshire Local Plan, 2019. These policies are in accordance with advice within the National Planning Policy Framework, 2019, which seeks to protect the character of the countryside and ensure that new development is in character with its surrounds. Paragraphs 122 and 127 indicate that new development should be sympathetic and maintain an area's local character. It is also not considered to meet the provisions of Policies 19 (Rural Exception Sites) and 20 (Accommodation for Gypsies, Travellers and Travelling Showpeople).

Amenity

A bungalow is situated to the south, along with premises used for the storage and manufacture of landscape materials and equipment. The southern elevation of the house on plot 1 has a utility door facing south and no upper windows. The house on plot 2 faces the commercial site and has no openings on its rear elevation. No objections are raised on amenity grounds subject to the provision of close boarded fencing along the southern boundary to protect the amenity of future occupiers and also the business operation to the south.

Highways

Penny Hill is subject to the national limit for single carriageways of 60 mph and there is a bend immediately to the north of the site (to the right of drivers emerging from the site).

LCC Highways have expressed concern over visibility at the site's entrance, especially to the north. The access to the previous scheme was located further to the north and included a 2.4m x 120m visibility splay. The current proposal has the access further to the south. From a 2.0 metre setback point the reverse curve of the road limits visibility to the right to 50 metres. This is the Stopping Sight Distance (SSD) for approximately 35 mph. Visibility is therefore considered to be inadequate and may well be hampered further by vehicles parking on the front driveways of plots 8 and 9.

Heritage

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

Flood Risk

The site falls within Flood Zone 3 (High Probability) within the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District 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

Part of the site has been identified as "Danger for Some" within the Strategic Flood Risk Assessment, which takes into account existing flood defences. There are alternative allocated sites within the Holbeach area that are appropriate for the proposed development that are available, more sustainable and/or are located in areas with a lower risk of flooding. The proposal therefore fails to satisfy the sequential test.

Moreover, the proposal fails the exceptions test because the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore conflicts

with advice within paragraphs 155 to 161 of the National Planning Policy Framework, 2019.

Conclusion

It is considered that there is not sufficient justification for additional housing in this location in the countryside. The Authority has a 5 year housing land supply (6.07 years as at 31st March 2019) and the site is not within a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Moreover, the proposal would consolidate existing development within the countryside, to the detriment of its prevailing rural character.

The site is therefore not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the countryside. It is therefore contrary to Policies 1 (Spatial Strategy) and 2 (Development Management) of the South East Lincolnshire Local Plan, 2019. These policies are in accordance with advice within the National Planning Policy Framework, 2019, which seeks to protect the character of the countryside and ensure that new development is in character with its surrounds. For example, paragraphs 122 and 127 indicate that new development should be sympathetic and maintain an area's local character. It is also not considered to meet the provisions of Policies 19 (Rural Exception Sites) and 20 (Accommodation for Gypsies, Travellers and Travelling Showpeople).

Also, visibility at the site's entrance is considered to be inadequate given that Penny Hill is subject to the national speed limit for single carriageways of 60 mph and there is a bend immediately to the north, to the right of drivers emerging from the site. This may well be hampered further by vehicles parking on the front driveways of plots 8 and 9.

Additionally, the site falls within Flood Zone 3 (High Probability) within the Environment Agency's Flood Maps. Part of it is identified as "Danger for Some" within the South East Lincolnshire Strategic Flood Risk Assessment (2017), which is used as a basis to apply the sequential test in terms of flood risk. There are alternative sites appropriate for the proposed development that are reasonably available, more sustainable and/or are located in areas with a lower risk of flooding. Moreover, the proposal fails the exceptions test because the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore conflicts with advice within paragraphs 155 to 161 of the National Planning Policy Framework, 2019.

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.