DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0950-22**	**Applicant:**	**Seagate Homes**
Proposal:	Residential Development - 9 dwellings		
Location:	Land To South & West Of Tudor Lodge Fen Road Holbeach		
Terminal Date:	3rd February 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
28	The Natural Environment
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections -

2 Achieving sustainable development
4 Decision-making
5 Delivering a sufficient supply of homes
8 Promoting healthy and safe communities
9 Promoting sustainable transport
11 Making effective use of land
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments

PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
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	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application for a residential development comprising 9 detached dwellings served by a private drive, accessed from Fen Road.

The dwelling mix proposed is as follows:

Plot 1 Type S501 - 5 bedroom 2 storey dwelling
Plot 2 Type S416 - 4 bedroom 2 storey dwelling
Plot 3 Type S418 - 4 bedroom 2 storey dwelling
Plot 4 Type S502 - 5 bedroom 2.5 storey dwelling
Plot 5 Type S503 - 5 bedroom 2 storey dwelling
Plots 6 and 7 Type S307 - 3 bedroom bungalows
Plot 8 Type S418 - 4 bedroom 2 storey dwelling
Plot 9 Type S420 4 bedroom 2 storey dwelling

The designs proposed reflect designs recently proposed adjacent to the site, and materials are to be submitted via condition.

The application is supported by a Tree Protection Plan and Flood Risk Assessment.

Site Description

Tudor Lodge comprises a substantial, extended inter-war dwelling set in extensive grounds, on the western side of Fen Road, within the settlement of Holbeach.

The application site consists of part of a paddock area of an agricultural holding, within the settlement boundary of Holbeach.

History

H09-0980-21. FULL. Land North of Tudor Lodge. Residential development comprising 5 detached dwellings off a private drive. APPROVED 03-05-22.

H09-1260-21. PRIOR NOTIFICATION. Land at Tudor Lodge Fen Road. Change of use of agricultural building to dwelling. Approved 12-01-2022.

Consultation Responses

Holbeach Parish Council

No response received.

SHDC Environmental Protection

No comments or objections.

LCC Local Highway and Lead Local Flood Authority

No objection subject to a S106 and conditions/informatives and a S106 legal agreement to secure £2,800 of LCC to undertake a Traffic Regulation Order to extend the 30 MPH speed limit south of the proposed access to the site, on the B1168 Fen Road.

LCC Historic Environment Officer

The proposed development is situated in an area where archaeological remains have previously been identified during evaluation in advance of several new residential developments south of Holbeach between Hall Gate and Fen Road. Previous archaeological work has revealed, Roman, Saxon and medieval remains close to this site and it is possible that similar remains may exist here which could be destroyed during development. Recent excavations required in order to mitigate the impact of residential development to the north of the site has revealed evidence for early medieval settlement and farming activity.

At present there is insufficient information available with which to make a reasoned decision on the archaeological impacts of the proposed development. Therefore it is recommended that the developer is required to provide additional site specific information in the form of an archaeological evaluation to be considered alongside this application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on the archaeological impacts of this planning application. The evaluation should consist of trial trench excavation.

"Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." National Planning Policy Framework section 16, paragraph 194.

Anglian Water

No comments to make.

South Holland Internal Drainage Board

Note that the 9m Byelaw distance between Holbeach Old River to the west and the development has been labelled on the latest Proposed Site Plan, Drawing No. TLW-SH-SP-AR-002 C (Seagate Homes, Nov 2022). We would like to add a reminder that any works within this 9m distance, including any resurfacing or widening works to the existing access track, would require consent from the Board under Byelaw 10.

Environment Agency

The proposed development will only meet the requirements in relation to flood risk within the National Planning Policy Framework and Policy 4: Approach to Flood Risk in the South East Lincolnshire Local Plan, if a planning condition is included.

Lincolnshire Fire and Rescue

No response received.

Public

No responses received.

Planning Considerations

The main issues in this case are:
Principle of Development and Sustainability
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Refuse collection arrangements
Flooding considerations
Foul and Surface Water Drainage
Archaeology
Biodiversity

Principle of Development and Sustainability

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 application site is located within the settlement boundary of Holbeach, which is designated as a Main Service Centre in the South East Lincs Local Plan.

Development of this land for residential use is acceptable in principle.

Although on the edge of Holbeach, a footpath link is to be provided to the Fen Road frontage to enable pedestrian access to Holbeach.

Given the status of Holbeach as a Main Service Centre this location is considered to be sustainable, and would be made more so by the provision of the footpath.

Layout and Design

The layout would provide nine detached dwellings served from a private drive. The form and design of the dwellings take cues from other dwellings recently approved in the locale, with one dwelling described as a "Gatehouse" design, on the private access road.

The layout would provide a pleasant and spacious form of development and would accord with Policies 2 and 3 in this regard.

Highway safety and parking

The development would not impact upon highway safety at this part of Fen Road, provided the Traffic Regulation Order to extend the 30mph speed limit South of the proposed access site on the B1168 Fen Road is put in place. A S106 is proposed to ensure that this Order is undertaken.

The development would accord with the parking standards set out within the SELLP.

Refuse collection arrangements

As the access is to be retained as a private driveway, the refuse and recycling collection arrangements are to be via a private collection arrangement, the details of which are to be sought and controlled by a further condition.

Provided this is the case then the development would accord with the SHDC "Private Drives - Waste Vehicle Collection Service - Guidance Note", which is not a planning policy, but is a material consideration.

It is considered that private refuse collection arrangements could accord with Policies 2 and 3 of the SELLP, and this will be subject to the conditional details submitted.

Impact on neighbouring Residents/land users

The adjoining dwelling of Tudor Lodge is a substantial dwelling within substantial grounds. Tudor Lodge would not be impacted by this development in terms of overlooking or loss of amenity.

Adjoining land is consented for a residential development (H09-0980-21 refers). It is not considered that the relationship of the dwellings on each site would be unacceptable.

It is considered that the impact of the development on neighbouring residents/land users would accord with Policies 2, 3 and 30 of the SELLP.

Flooding considerations

The application is supported by a Flood Risk Assessment, that recommends certain parameters, that are to be included by condition. The response of the Environment Agency and LCC as Lead Flood Authority are set out above.

Foul and Surface Water Drainage

The properties would be connected to the mains foul sewerage system and surface water is proposed to be dealt with via conditional consent.

Archaeology

The LCC Historic Environment Officer confirms archaeological input is required. This is to be controlled by condition.

Biodiversity

There is limited opportunity to introduce biodiversity measures, so the retention of the current hedges would be an achievable measure, as would be provision for Swifts. These matters can be controlled by conditions.

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 proposed development does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 28, 29, 30, 33 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The proposal is considered acceptable for the reasons outlined above.

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.