

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-0980-21	Applicant:	Seagate Homes (UK) Ltd.
Proposal:	Residential development comprising 5 detached dwellings off a private drive		
Location:	Land North Of Tudor Lodge Fen Road Holbeach		
Terminal Date:	7th May 2022		

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

Section 5 - Delivering a sufficient supply of homes
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	1

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	1
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	0	0	0	1

Route for determination of application	Delegated	X	Committee	
--	-----------	---	-----------	--

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for a residential development comprising 5 detached dwellings served by a private drive, accessed from Fen Road.

The scheme would comprise of three detached 4-bedroom dwellings and two detached 5-bedroom dwellings with associated garaging and parking. The buildings will be of predominantly stone construction, with secondary building elements finished in brick or timber cladding.

Plot 1 - 4 Bedroom 2 Storey House
Plot 2 - 5 Bedroom 2 Storey House
Plot 3 - 4 Bedroom 2 Storey House
Plot 4 - 5 Bedroom 2.5 Storey House
Plot 5 - 4 Bedroom 2 Storey House

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

Existing perimeter tree and hedge planting is to be retained.

The application includes a Management Responsibilities document that clarifies that a management company will set up and provide refuse collection for the development.

The application is supported by a Flood Risk Assessment, that sets out flood risk reduction and resilience measures.

Since submission the application has been revised to include a public footpath to traverse part of

the roadside to Fen Road and to include acoustic fencing.

SITE DESCRIPTION

Tudor Lodge comprises a dwelling set in extensive grounds, on the western side of Fen Road. The site consists of paddock land, comprising part of the grounds of Tudor Lodge, within the defined settlement boundary for Holbeach.

The site is located within Flood Zone 3, an area with a high probability of flooding. There are riparian drains within the site and on the southern boundary of the site. The western boundary of the site is formed by an IDB High Priority Watercourse.

The site is generally screened from adjoining land by established hedges. The boundary with the commercial garage on Fen Road is defined by a tall conifer hedge.

Access is gained to the site via an existing access to Tudor Lodge.

RELEVANT PLANNING HISTORY

Adjoining development site - Land Off Fen Road, Holbeach

H09-0784-21 - Erection of 38 dwellings with associated roads and sewers. Undecided; awaiting S106 legal agreement.

Terry Rudd Motorcycles, Barrington 43 Fen Road

H09-0515-18 - Change of use of premises from B1 (Business) to D2 (Assembly & Leisure) (re-submission of H09-0235-18). Refused. 18 July 2018.

H09-0235-18 - Change of use from B1 (Business) to D2 (Assembly / Leisure) . No building works to be taking place outside the premises. Internal work short term to update the premise to a gym. Refused 27 April 2018. Appeal dismissed 8 Jan 2019.

REPRESENTATIONS

Holbeach Parish Council

No objections.

SHDC Ward Member - Cllr F Biggadike

Consider S.H. I.D.B. Concerns on dealing with the surface water from this development need to be addressed to their satisfaction.
Refuse to be collected individually, designated sites only invite dumping from others which S,H,D.C. Have to clear up.
Improvement in road safety at this point in Fen Road we're L.C.C. Requests delivered.

LCC Local Highway and Lead Local Flood Authority

Comments on original scheme

Requests that the Local Planning Authority request the applicants to provide additional information as set out below.

The Highway and Lead Local Flood Authority in conjunction with the Internal Drainage Board, would like to make the following comments.

The proposed site plan within the FRA (drawing no. TL-SH-PSP-AR-01 Sep 2021) disregards the presence of the riparian watercourse along the southern site boundary. This is misleading and the plan needs to be redrawn showing the private watercourse which is identifiable on the Highways map. Any proposed alteration to this watercourse, such as culverting or infilling, will require the Board's consent under Section 23 of the Land Drainage Act 1991 and byelaw 4. This watercourse serves to convey water away from Fen Road into Holbeach Old River.

Regarding the footpath construction, both Highway and Lead Local Flood Authority and the Board supports the principle for providing safe and suitable pedestrian access along Fen Road. In drawing TL-SH-PCF-AR-02 sections D-D and E-E illustrate proposed alterations to the profile of the watercourse which will require the Board's consent. The profile section at the bottom of the drawing should read F-F and (not E-E). This relates to the existing field access crossing where there is a wooden field gate presently. The Board is uncertain as to whether this crossing is piped, or not. The works proposed at F-F appear to be surficial, requiring a minor regrading of ground levels only. Any tie-in to the Ashwood Homes Development Entrance to the north which might affect the watercourse profile will also need consent from the Board under the same application. Additionally, profile sections A-A, B-B and C-C are to crossfall toward the existing carriageway to disperse surface water away from existing properties as not to create surface water flooding. The kerbing specified should permit drainage from the road surface into this watercourse to reduce ponding on the highway surface. The Board also have concerns however, about the watercourse having sufficient capacity to accommodate excess surface water in the absence of a confirmed connection with Holbeach Old River.

Comments on revised scheme

We wish to request that the applicant enters into a S106 Agreement to secure the funding of £2,800 for Lincolnshire County Council to undertake a Traffic Regulation Order to extend the 30mph speed limit South of the proposed access site on the B1168 Fen Road.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

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) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Request that any permission given by the Local Planning Authority shall include the condition below:

The development hereby permitted shall not be occupied before a footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

Also, propose informatives relating to proposed statutory utility connections and any other works, the highway improvement works.

LCC Historic Environment Officer

No archaeological input required.

SHDC Environmental Protection

No comments or objections.

SHDC Building Control

Need clarification on waste collection and private drive is suitable for 18T fire appliance.

Anglian Water

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat.

South Holland Internal Drainage Board

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- note that the applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that a drainage strategy or plan has been provided. We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.
- note the presence of a Board Adopted watercourse adjacent to the site boundary, and that the applicant intends to do works within 9 metres of this watercourse. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).
- Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Adopted watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).
- note the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (ref: ECL0525) dated July 2021 and the following mitigation measures it details:

- The finished floor levels of two storey dwellings shall be set no lower than 0.3 metres above surrounding ground levels.
- A minimum of 0.3 metres of flood resilient construction shall be provided above the finished floor level.

Reason:

To reduce the risk of flooding to the proposed development and future occupants.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to this development.

Lincolnshire Fire and Rescue

The Fire Authority objects to this planning application on the grounds of inadequate access and turning for a fire appliance. The proposed site layout plan indicates an existing turning facility at the end of the existing access roadway. The turning facility will need some relatively minor alterations to

provide turning provisions for a fire appliance. This is the opinion of the Fire Authority to ensure the long-term fire safety of the occupants and to remove this objection the following measures are required:-

Access to buildings for fire appliances and fire fighters are specified in the Building Regulations 2010 Part B5. The vehicle access road will be a minimum width between kerbs for pumps of 3.7m. The minimum turning circle between kerbs for pumps should be 16.8m and between walls 19.2m. A turning facility is required because the dead-end access route is more than 20m long. This can be a hammerhead or turning circle.

Lincolnshire Fire and Rescue also requires that the access road surface construction is of minimum carrying capacity for pumping appliances of 18 tonnes and not 12.5 tonnes as detailed in the Building Regulations 2010 part B5.

Lincolnshire Wildlife Trust

No response.

Public

One comment regarding provisions for Swifts.

PLANNING CONSIDERATIONS

The main issues in this case are:

Principle of Development

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

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.

Sustainability

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 proposal sets out five detached dwellings in large garden areas, focussed around the turning head and shared private driveway.

The form and design of the dwellings take cues from traditional dwellings and farm buildings.

The proposed dwelling designs would have high quality finishes with some locally referenced detailing. The Plot 3 dwelling for example adopts a traditional three bay balanced form with central

entrance (designed in the style of a traditional farmhouse). Materials for the dwellings draw from the pallet of locally distinctive materials. Dwellings are predominantly of stone construction with the use of red brick and horizontal dark stained cladding for secondary elements. The Plot 2 and 4 units whilst adopting more modern floorplate designs incorporate design elements redolent of traditional barns, with two storey height glazed features, one with an arched head detail. The Plot 1 and 5 units, whilst incorporating similar glazed features, incorporate more contemporary elements.

The accompanying Design and Access Statement clarifies that the existing boundary hedges and trees are to be retained. This matter is to be controlled via condition. It is considered that the detailed landscaping matters can be suitably addressed by means of appropriate planning conditions.

Highway safety and parking

The proposal utilises an existing access to Tudor Lodge. It is to be noted that LCC Highway Service raises no objection, but does require a footpath link be provided to the Fen Road frontage to enable pedestrian access to Holbeach.

Sufficient on plot parking would be provided in accordance with SELLP Policy 3 and Appendix 6.

The developer is undertaking payment to ensure a Traffic Order to reduce the speed limit outside the site and towards Holbeach to 30MPH.

Refuse collection arrangements

As the access is to be retained as a private driveway, which is to be controlled by condition, 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 the refuse collection arrangements accord with Policies 2 and 3 of the SELLP.

Impact on neighbouring Residents/land users

The adjoining dwelling of Tudor Lodge is a substantial dwelling within a large garden and paddock area, separated from the site by the landscaped boundary. Tudor Lodge would not be impacted by this development in terms of overlooking or loss of amenity.

The land to the north-east is subject to an outstanding planning application for residential development, which is acceptable in principle. It is not considered that the relationship of the dwellings on each site would be unacceptable.

To the Fen Road frontage, to the east of the application site there is a former garage which is now a second hand car sales outlet & forecourt. The building is situated some way from the proposed dwellings, and operates under normal hours, although there is no hours of operation controlled via planning condition so could be subject to change. Between the site and the rear yard of the building is a large leylandii hedge and fence.

An acoustic fence is included within the current application to assist in the reduction of potential conflict between the existing business and the proposed dwellings. This would take into account the provisions of para 187 of the NPPF 2021, relating to the operation of an existing business or community facility that could have a significant adverse effect on new development in its vicinity, and the mitigation that would be put in to effect to ensure that the existing adjacent business would not be impacted.

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 soakaways.

Archaeology

The LCC Historic Environment Officer confirms that no archaeological input or studies are required.

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.

There 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.

RECOMMENDATION

The application was considered by the Chairman's Panel meeting on 18 February 2022 and a delegated route was considered appropriate.

That the application be approved under delegated powers.