

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-1001-19	Applicant:	Mr S & Mrs M Cushen
Proposal:	Residential development		
Location:	30 Boston Road South Holbeach Spalding		
Terminal Date:	11th March 2020		

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

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	1	0	0	1
OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks outline planning permission for residential development to the rear of 30 Boston Road South, Holbeach, Spalding.

The indicative site layout indicates that the scheme could comprise 3 detached dwellings. A private driveway would run along the north-western boundary using the existing site access on the edge of Boston Road South. Each plot could accommodate a detached garage and an independent driveway.

Site Description

The site is the rear garden and yard of the property No. 30. The property is a two-storey dwelling with decking and garden canopy to the rear. To the front of the house, there is the drive and a gate that provides access to a lane extending along the northern-west boundary. A row of outbuildings used as storage has been observed in state of disrepair adjacent to the site boundary.

Immediately to the rear of the house, there is decking, a canopy and other garden paraphernalia at the rear garden. A nearly 2 metre concrete wall with timber doors separate the yard and the domestic garden. Further to the rear of both spaces, the land is vacant with scrubs, overgrown grass and a few mature trees. A nearly 2 metre old timber closeboard fence is along the northern-west boundary whereas the mean of enclosure opposite the curtilage is of identical material and at least 2.5 metre high.

A row of detached bungalows neighbour the site to the north-west and the rear of Tesco supermarket is adjacent to the south-east. Carters Park is to the east.

History

None.

Consultation Responses

Members of public

Two residents made representations including comments on the proposal without objecting, as follows:

- The proposed trees will be ideal for enhancing the presence of bats.
- Rat traps should be placed around the hidden drain on the eastern corner of the site.
- School traffic should be directed via the Boston Road roundabout and a pedestrian lane opened southwards in account of the increase of vehicles due to the proposal.
- The strip of land bordering Tesco superstore should be purchased to increase the width of the application site.
- The vacant land at the rear of the site has been appreciated by the neighbours.
- No excessive disturbance and loss of privacy during the construction times.

- Concerns on flood risk from surface water
- Details of the boundary treatment on the north-western boundary
- Block paving should be used for the entire driveway.

South Holland IDB

No objection.

Lincolnshire County Council as Highway Authority and Lead Local Flood Authority

No objection.

Cllr Biggadike

Supports the proposal.

Holbeach Parish Council

Supports the proposal.

SHDC Environmental Protection Officer (Contamination)

Objects.

"Our records show that the site has had past industrial use as a gas works. Given the age, this would most likely include the manufacture of town gas. No desk study or supporting site investigation information have been provided to support this application, and I therefore OBJECT until such time that proportionate but sufficient information prepared by a competent person is provided to ensure the applicant can secure a safe development. (Land affected by Contamination Paragraph: 007 Reference ID: 33-007-20190722, NPPF para 170 (e) & 178)

I refer the applicant to the YALPAG document 'Development on Land Affected by Contamination' which can be downloaded here and encourage early communication with this department as part of an iterative site investigation process.

Once proportionate but sufficient information has been provided, I would envisage the objection could be removed and make recommendations for suitable conditions, however I would anticipate that I would recommend the removal of permitted development rights at this location."

SHDC Environmental Health Officer (Noise)

"I note that there is a close boarded fence on the site boundary adjacent to Tesco's loading area. However given the proximity of the proposed residential properties to the loading area I am concerned about the potential noise impact from vehicle movements and loading/unloading activities."

Planning Considerations

Principle of development

The site is within the settlement boundary for Holbeach as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. A settlement hierarchy has been established in order to steer development to the most sustainable locations. Holbeach is classified as a Main Service Centre and within the settlement boundaries of which, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities".

The site benefits from a footpath which provides pedestrian access to a range of facilities and services in the town centre of Holbeach. The walking distance is convenient to come and go for meeting the daily needs. Two bus stops are approximately 20 metres down the road providing regular services to Spalding and Kings Lynn. In light of the mentioned above, the future house occupiers would likely use the facilities and services nearby so that the proposed housing scheme

would contribute towards sustaining the role of Holbeach as a Main Service Centre.

Although the council is capable of demonstrating a 5-year housing land supply (6.07 years according to South Holland District Council 5-year Housing Land Supply Assessment as at 31st March 2019), additional dwellings being delivered by the proposal would make a social contribution.

Furthermore, Paragraph 118 of the National Planning Policy Framework (NPPF), 2019 states that planning decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes" and "promote and support the development of under-utilised land and buildings". The majority of the site is brownfield and so weight should be attributed to this.

Given the above, the principle of residential development at such location is deemed acceptable.

Design and layout

The application site is a long and narrow strip of land bordering residential development (No. 30 to the south-west and No. 32 and 36-42 to the north-west) and a commercial site (Tesco Spalding Holbeach Superstore to the south).

The indicative plan suggests that the form of development would be somewhat in keeping with the bungalows adjacent to the north-west. These properties are similarly set out off a private drive and of a similar layout. However, given the application site is narrower in comparison, being approximately 19m at its widest compared to 34 metres for the properties to the north, it is considered that the residential scheme would likely appear an overly cramped form of development.

Given the above, it is considered that the proposed development does not accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Furthermore, the issue of the site layout is intrinsically related to material considerations in respect of residential amenity, as described below.

Residential amenity

Given the narrow nature of the site and proximity to the existing supermarket to the south, there are concerns regarding the potential for adverse impacts on the amenity of future occupiers of the proposed dwellings.

In terms of separation distances, the indicative block plan shows that the dwelling in Plot 3 would be set back approximately 3 metres from the high timber fence on the south-eastern boundary and the dwellings in both Plots 2 and 3 would be separated around 1.75 metres and 2 metres from the same fence. Notwithstanding the fact that the block plan is simply indicative at this stage, due to the narrow nature of the site there is little scope to alter the position and orientation of dwellings from that indicated so that the separation distances would be greater and, ultimately, the residential amenity could become improved in this respect. Additionally, the rear elevation of the supermarket to the south is higher than this timber fence and is positioned only 8 metres from the south-eastern boundary. In view of this, it is considered that the distances that could be achieved between any new dwellings and the high fencing and supermarket to the south would be insufficient and that the amenity standards of the future dwelling occupiers would result excessively harmed, especially when using the outdoor amenity area. The supermarket building in particular would likely appear as overbearing to the future residents on the site.

For these reasons, the proposed development would not be a place which promotes "health and well-being, with a high standard of amenity for existing and future users and effective landscaping" as contained in Paragraph 127 concerning criteria that proposals should comply with in order to achieve well-designed places.

Furthermore, there is a loading area belonging to the supermarket to the south which adjoins the site, specifically where Plot 1 is shown on the indicative plan.

A noise assessment has not been submitted by the applicant, nor has any information about potential noise mitigation measures.

In light of the above, South Holland District Council's Environmental Health Officer has raised concerns about the potential noise impact from vehicle movements and loading/unloading activities on future occupiers of the proposed dwellings.

Furthermore, Paragraph 182 of NPPF states that "existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established". It also states that "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". It is considered that the proximity of the supermarket to the application site could result in complaints being made regarding the business' activities from future occupiers, which could result in restrictions being placed on that business. The proposal is therefore considered to conflict with Paragraph 182 of the NPPF.

Given the above, the proposal is considered to conflict with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity, as well as Paragraph 182 of the NPPF.

Flood risk and drainage

According to the Environment Agency's Flood Map for Planning, the site falls within Flood Zone 3 which means that land has the probability of flooding in any one year is greater than or equal to 1% (i.e. a 1 in 100 chance) for river flooding and greater or equal to 0.5% (i.e. a 1 in 200 chance) for coastal and tidal flooding.

Notwithstanding this, South East Lincolnshire Strategic Flood Risk Assessment (March 2017) constitutes the Level 2 SFRA which complements the Environment Agency's map (Level 1 SFRA) and contains more refined data on flood risk across the district. The hazard mapping includes modelled flooding consequences resulting from both overtopping and breaching of flood defences. The flood hazard on the site is anticipated to be low and causing at most 'danger for some'. The predicted flood depths would range between 0 and 0.5 metre above existing ground level. Following the Standing Advice of the South East Lincolnshire SFRA, the development can be permitted subject to the implementation of appropriate mitigation and flood resilience techniques. With regards to flood risk from surface water, the existing vacant land has only two localised areas of low flooding.

For these reasons, it is considered that the development is acceptable in terms of flood risk for the grant of outline permission. However, if planning permission were to be granted, a site-specific flood risk incorporating these measures and techniques should be required. The submission of details on surface water management based on SUDS would be also required prior to the commencement of works.

Contamination

SHDC's Environmental Protection Officer (EPO) for contamination has identified that the site has a past industrial use as a gas works. No desk study or supporting site investigation information has been provided to support the application and the EPO accordingly objects until such time that proportionate but sufficient information prepared by a competent person is provided to ensure the applicant can secure a safe development. Once proportionate but sufficient information has been provided, the EPO envisages that the objection could be removed and that they could make recommendations for suitable conditions. The removal of permitted development rights at this location would likely be recommended.

Conclusion

The proposed development is acceptable with regards to the principle of development on the application site, flood risk and drainage as well as highways safety and car parking provision. However, the proposal fails to secure appropriate amenity standards for the future dwelling occupiers by virtue of overbearing impact and noise pollution from the adjacent Tesco superstore. It would also represent an overly cramped form of development in comparison to existing surrounding development.

Taking into consideration on balance the material consideration above, the adverse impacts on design and layout as well as residential amenity demonstrably and significantly outweigh any benefits. The proposed development is contrary to Policies 2, 3 and 30 of South East Lincolnshire Local Plan (SELLP), 2019 and Sections 12 and 15 of National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to refuse this planning application via delegated decision.

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.