

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1146-22 **Applicant:** Mr C Smith
Proposal: Outline Permission for the Development of 9 Detached Eco Homes
Location: Off Paddock Lane Holbeach Bank Spalding
Terminal Date: 24th October 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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	1	0	0	0
HIGHWAYS & SUDS SUPPORT	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	5
RESIDENTS	4	1	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline application with all matters reserved for the development of 9 Detached Eco Homes at land off Paddock Lane, Holbeach Bank. All matters related to design and layout of the site would be addressed via a reserved matters application. This application solely seeks to establish the principle of development on the site. Indicative plans for the dwellings have been submitted but these plans do not carry planning weight.

SITE DESCRIPTION

Holbeach Bank has not been given defined settlement limits under the South East Lincolnshire Local Plan. Therefore, in planning terms the application site is considered to be in the open countryside. The surrounding area is predominately rural and characterised by linear development of varying ages and design. The site is currently in use as paddock land. Dwellings are located to the west, north and north-east of the site, with fields to the south and east. The site is in Environment Agency Flood Zone 3. When assessed against the 2115 South Holland Strategic Flood Risk Mapping, the site is predominately in a "Danger for Some" hazard area, with some of the site in a "Danger for Most" hazard area. The mapping shows a maximum predicted flood depth of 1 to 2 metres towards the western red line boundary. Therefore, to successfully address predicted flood depth, finished floor levels would need to be a minimum of 2 metres above ground level. The submitted Flood Risk Assessment proposes finished floor levels of 500mm above ground level.

RELEVANT HISTORY

H09-0034-17

Outline - Proposal of 56 new sustainable dwellings comprising 28 affordable homes and 28 open market homes together with provision of New Community Village Shop - Refused - 08 May 2017.

H09-0432-18

Outline - Proposal of 32 new sustainable dwellings comprising 8 affordable homes and 24 open market homes, together with provision of New Community Village Shop and village green - resubmission of H09-0034-17 - Declined to Determine - 20 May 2020.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS

No objection subject to the Condition below:

"It is noted that this is an Outline Application with all matters reserve for later approval and therefore

Consent is being sought only for the principle of there being residential development on the Application Site. The site has been the subject of historical Planning Applications and the Highway Authority's response to those proposals has, in the past, been that Consent should be withheld on highway grounds. However, the National Planning Policy Framework (NPPF) document now directs that Planning Consent should be refused only where there would be an unacceptable impact upon highway safety or where there would be a severe residual cumulative impact upon the highway network."

"The vehicle movements associated with the construction and occupation of the nine dwellings being proposed in this Application would not be expected to have a severe impact upon the local highway network. The proposed development is to be an extension of an existing private roadway i.e. this roadway is not a Public Highway. Therefore, the impacts the proposed development would have directly upon this private roadway, in terms of safety and wear and tear, are not matters for the highway authority."

"The private roadway has a wide, sealed-surface junction with the public highway at Roman Bank. This junction is being used by the residents of the existing properties along the private roadway and it is therefore reasonable to conclude that such use does not present an unacceptable highway safety problem. The private roadway beyond the junction has an unsealed surface and there are no footways. The highway authority would therefore decline to adopt the road way as a public highway, as it does not provide sufficient public utility. For the same reason, the highway authority would not wish to adopt, as public highway, any roads on the proposed development. It is acknowledged that there are very few footways within the settlement of Holbeach Bank but this situation has prevailed for many years without any apparent difficulty and it is therefore suggested that this would not, of itself, be sufficient cause for withholding the grant of Consent."

"It is recommended that a Condition, requiring the submission and approval of a Construction Traffic Management Plan and Method Statement is applied to any Consent that may be granted for the proposed development, in order to protect the safety and free passage of neighbours and other road users. Subject to compliance with that Condition and 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application."

Highways & SUDS also request a standard utility informative.

Lincolnshire County Council - Historic Places Team

"The site is located in the vicinity of 'Roman Bank', which is actually a sea defence of possible medieval date. Evidence for salt making is associated with this monument at various locations along its length, specifically just to the west and north of the settlement. A possible medieval moat is also known at Penny Hill Hall to the southeast, home of the Littlebury family in the 14th century. In view of this I would like to reiterate and expand on previous advice made by this office in relation to this development site."

"This application is for a large new development, there is not enough information supplied by the applicant regarding the potential impact on the Historic Environment. There is insufficient information regarding the proposal's impact on the setting, on the archaeological potential of the site, or of the proposed impact of the development. This information should be supplied in the form of a Heritage Statement, as detailed below."

"This absence of information on the significance and proposed impact upon designated and non-designated heritage assets is not in accordance to the National Planning Policy Framework."

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. 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.' NPPF 2021, para 194."

"I recommend that a suitable desk-based assessment is undertaken, to include as well as the standard sources, the results of a geophysical survey. Depending on the results of this work the results of trial excavation may be required prior to determination."

Lincolnshire County Council - Education

Requests a total education contribution of £51,006.

South Holland District Council - Environmental Protection

No comments.

Anglian Water

"The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details."

"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."

Lincolnshire Police

Provides advice on designing out crime.

NHS Lincolnshire

I can advise that we have no comment as this relates to less than 10 dwellings.

Environment Agency

Objects - Parts of the site are subject to depths greater than 500mm.

The agent sent an email on August the 18th 2023 stating *"Getting a more in depth FRA done, will forward to you as soon as ready."* As of October the 17th 2023 this document is yet to be received.

South Holland Internal Drainage Board

Consent is required for alteration of a watercourse and works within 9 metres of a Board maintained watercourse.

Holbeach Parish Council

"Concerns over access and visibility and issues during construction period."

The Applicant

"Be great to get Paddock Lane upgraded and serviceable. I would like to have a few more neighbours as we are very isolated down here. Don't see any real issues or problems with this application. The houses will be well spread out and would not look an eyesore."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, six letters of representation have been received. These can be summarised as:

Paddock Lane is in a poor condition.
Paddock Lane is not wide enough.
There is no pedestrian walkways adjacent to the site.
Roman Bank is narrow.
Visibility is poor at the junction with Roman Bank.
Increase in traffic.
Disturbance due to vehicles parking at drop off / pick up times for Holbeach Bank Parish School.
Dust from increased use of private drive.
Noise from increased vehicular use of Paddock Lane
Sparsity of street lighting.
Increased number of private vehicle movements due to countryside location and lack of public transport provision.
There has never been a regular bus service to Holbeach Bank.

Large amount of refuse at corner of Coopers Cottage causing sanitary concerns.
How will the properties connect to amenities?

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle
Flood Risk
Design
Amenity
Parking / Highway Safety
Other matters raised

EVALUATION

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle

The proposal site is located outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the South East Lincolnshire Local Plan (SELLP) states 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. Economically the construction period would generate short term employment. There is not considered to be any social benefits from the proposal. Environmentally, the proposal is sited in the open countryside, is not near local services and Holbeach Bank is not served by public transport. Additionally, the proposal will lead to the loss of paddock land, when local and national policy seeks to drive development toward brownfield sites within defined settlement limits.

It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need. As of 31 March 2022 the Council can now identify a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 5.9 years under the Liverpool Method through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance

with the revised National Planning Policy Framework and Planning Practice Guidance.

Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a recently adopted up-to-date development plan with a spatial strategy setting out how the housing needs for the area will be met. Furthermore, public transport does not operate in Holbeach Bank. Consequently, access to services and facilities is unlikely to be convenient on a day to basis and there is likely to be some reliance on the private motor vehicle to access services and facilities. The location of the site does not therefore have attributes that make it sustainable for development for new market housing.

The proposed development would set a harmful development by positioning residential dwellings in a countryside location outside the main built-up area of the settlement. This would have an adverse impact on the character of the area and would set a harmful precedent for further development outside the settlement boundary.

The proposal is contrary to policies 2 and 3 of the SELLP which amongst other things require proposals to have regard to the character and appearance of an area and stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2023).

Flood Risk / Site Levels

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 South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The site is in Environment Agency Flood Zone 3. When assessed against the 2115 South Holland Strategic Flood Risk Mapping, the site is predominately in a "Danger for Some" hazard area, with some of the site in a "Danger for Most" hazard area. The mapping shows a maximum predicted flood depth of 1 to 2 metres towards the western red line boundary. Therefore, to successfully address predicted flood depth, finished floor levels would need to be a minimum of 2 metres above ground level. The submitted Flood Risk Assessment proposes finished floor levels of 500mm above ground level. The Environment Agency objects to the submitted document as the proposed finished floor levels do not address the maximum predicted floor depth. The agent sent an email on August the 18th 2023 stating *"Getting a more in depth FRA done, will forward to you as soon as ready."* As of October the 17th 2023 this document is yet to be received.

Design

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, 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.

A Design and Access Statement accompanies this application, however, as the application is

outline with all matters reserved, no material planning weight can be given to the designs therein.

Amenity

Paragraph 130 of the National Planning Policy Framework (2023) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

A Design and Access Statement accompanies this application, however, as the application is outline with all matters reserved, no amenity assessment can be accurately made until final designs are submitted. However, with the need for finished floor levels to be raised up to 2 metres above ground level to address flood risk there is likely to be material overlooking and overshadowing impact to the occupants of the site and neighbouring dwellings beyond.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises 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".

In respect of highway matters, Policy 2 details 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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Numerous concerns with regards to the highway have been raised by members of the public. However, as the impact on the highway is not considered to be severe, the County Highways department has no objections to the principle of development of this site.

Other matters raised

Large amount of refuse at corner of Coopers Cottage causing sanitary concerns - This matter would be addressed by the Waste Services department once a refuse collection scheme is proposed at the reserved matters application stage.

How will the properties connect to amenities - This is a matter that would be addressed at the reserved matters stage.

The Houses would be well spread out - This application solely seeks to establish the principle of development. Therefore any comments as to a potential final design cannot be given material planning weight.

PLANNING BALANCE

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. It is considered that the application has not adequately demonstrated that a new dwelling is essential in this location. When the principle of development is assessed in this location there is not considered to be substantive economic, social or environmental benefits to be derived. Additionally the design and siting would create material visual and residential impacts.

CONCLUSION

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2023).

RECOMMENDATION

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

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.