

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1261-21 **Applicant:** Ashley King
(Developments) Ltd.

Proposal: Erection of 6 dwellings & associated parking - previously approved under H09-0276-19

Location: Land East Of Pheasant Street Holbeach Spalding

Terminal Date: 30th January 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance**National Planning Policy Framework 2021**

NPPF 2021.

Representations:

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

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Erection of 6 dwellings & associated parking - previously approved under H09-0276-19.

The site area is part of extant planning permission H09-0276-19.

The original mix was 4 x 1 beds (affordable), 2 x 3 beds (Affordable) and 1 x 4 bed (affordable).

The revised mix is 2 x 1 bed (Affordable), 2 x 3 bed (Affordable), 1 x 2 bed (private) and 1 x 3 bed (private) with a single garage.

There is a net loss of one plot.

Site Description

The site is part of a wider development site granted consent by H09-0276-19. The site backs on to existing dwellings in Fen Road.

History

H09-0276-19. FULL. Erection of 83 dwellings with associated garaging, roads and sewers. APPROVED. 09-10-20.

Consultation Responses

Holbeach Parish Council

No observations.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

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 as the roads and footways serving the dwellings proposed in this Application are already subject to the Consent and the Conditions under reference H09-0276-19, the proposed development is acceptable and accordingly, does not wish to object to this planning application.

SHDC Strategic Housing

The permitted scheme of 83 dwellings, reference H09-0276-19, benefits from a s106 agreement that secures 7 affordable dwellings, being 4 Rented (2 x 1 bed houses- plots 35 & 36, 1 x 2 bed house- plot 30 and 1 x 3 bed house- plot 37) and 3 Shared Ownership (2 x 2 bed houses- plots 29 &

31) and 1 x 3 bed house (plot 38).

This application seeks to amend this to deliver plots 32 and 33 as the 1 bed affordable provision and plots 34 and 35 as the 3 bed affordable provision, and reduce the whole scheme by 1 dwelling.

Given the changes to the affordable housing plots I request that the applicant provides an updated plan detailing the provision and location of all 7 affordable plots, rather than the 4 provided for this application. Upon receipt of this I should be in a position to comment further.

On receiving Legal Services clarification, the Strategic Housing Officer clarified that "Given that the applicant makes no changes to the agreed affordable housing scheme, other than changing some of the plots, in this application I have no objections or further comments to make."

Planning Considerations

The main issues in this case are:

Principle of Development

Layout and Design

Highway safety and parking

Impact of neighbouring Residents/land users

Flooding considerations

Foul and Surface Water Drainage

Developer Contributions

Principle of Development

The site is within Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. No objections are therefore raised. In addition, the principle of developing this land is set by the outstanding consent on the wider site, that includes this red line area, and is referred to in Policy 11 of the SELLP.

Layout and Design

The proposed design of dwellings is typical of those seen on the applicant's other schemes in the District and are considered to be acceptable in design terms.

The layout of the proposal is effectively a reconfiguration of the dwelling plots already approved.

Since submission additional information has been provided to compare the proposed scheme with that already approved, in terms of levels, height, bulk and distances to the adjoining dwellings in Fen Road.

It is considered that the revised configuration is similar to the scheme approved. Looking afresh at the scheme, it is considered that the layout would provide a pleasant frontage and form of development. The development would accord with Policies 2 and 3 of the SELLP in this regard.

Highway safety and parking

The parking arrangements accord with the SELLP requirements. The road layout is not altered by this scheme.

Impact of neighbouring Residents/land users

Since submission further drawings have been provided to demonstrate the current scheme in comparison to the previously approved scheme.

The placing of the proposed dwellings would not bring built development closer to dwellings in Fen Road, and the separation distances would still be considered to be acceptable.

In addition, details of the boundary treatment has been sought. A condition is suggested to ensure that the fencing to be installed is 1.8m above the finished floor level when seen from this application

site. Due to the change in land levels it is important that the privacy of the occupiers of Fen Road is maintained as much as possible, and is not made worse by this scheme.

Subject to the above, it is considered that the proposal would not have such an impact upon adjoining occupiers that planning consent could be withheld. The development accords with Policies 2 and 3 of the SELLP.

Flooding considerations, Foul and Surface Water Drainage

A Flood Risk Assessment is included within this application and the details are to be conditioned.

Foul sewage is to be disposed of via the existing mains sewer.

Surface Water Drainage is to be dealt with via a SUDs system and is detailed in the Flood Risk Assessment and Drainage Strategy.

Developer Contributions

The Strategic Housing officer has raised concerns, as set out above.

As a result an internal legal view was sought. The SHDC Senior Planning Lawyer responded as follows:

"I've just checked the original s.106 agreement and we have included a "catch all" in the definition of "Affordable Dwellings". The definition references the plot numbers and tenures, which are shown for identification purposes only on the Affordable Housing Plan. However, the definition goes on to state "unless such other alternative, mix, percentage(s) and/or Plots(s) is agreed with the Council acting reasonably (and such consent not to be unreasonable withheld or delayed)". On that basis, there is no requirement for a DOV for the plot changes."

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 would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking and access facilities. Taking into consideration the factors and considerations set out above, the proposal is considered to comply with Policies 1, 2, 3, 4, 5, 6, 10, 11, 12, 17, 18, 28, 29, 30, 31, 32, 33, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF) 2021.

Conclusion

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.

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.