

Swann Edwards Architecture Ltd
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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H16-0061-22 **Date of Decision:** 8th March 2022
Applicant: Market Homes Ltd
C/O Swann Edwards Architecture Ltd
Black Barn
Fen Road
Guyhirn
PE13 4AA
Location: Land At Former Halmer Grange Grange Drive Spalding
Description: Erection of 2 detached dwellings

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

- 1 The proposed development would result in an increase in the number of vehicular and pedestrian movements taking place across the site (i.e. including Grange Court to the west), with the source of the noise being spread across its full extent rather than being focussed in the flats and associated parking areas. The dwellings would introduce a different type of noise and activity with the potential for families living within the site. The access, whilst LCC Highways have no objections, would still remain the focal point for all movement through the site and the additional two dwellings would generate travel movements over and above the current flats. These movements will all impact upon the occupiers of the flats and upon immediate neighbours (in particular those either side of the access off Grange Drive) and will intensify activity and disturbance on an area of land where there is already a high level of development. Although the additional movements and activity associated with the dwellings may not be considered significant in their own right, when added to what is already in existence the cumulative impact would be significant. It is therefore considered that the proposal would create a detrimental impact upon the residential amenity of the adjacent occupiers.

The proposal would therefore be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) which seek, amongst other matters, to protect residential amenity.

- 2 The site is located within an area identified as "Danger for All" in terms of flood hazard, with predicted flood depths of up to 2.0m, within the South East Lincolnshire Strategic Flood Risk Assessment (2017). This is used as a basis to apply the Sequential Test in terms of flood risk. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in areas with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

In terms of the Exception Test, it is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need (albeit a small contribution), and other benefits including generating employment during the construction period. However, it is anticipated that the proposed development would have an unacceptable impact on residential amenity and this is a matter which is considered to outweigh the aforementioned benefits. Therefore the Exceptions Test is not passed in this instance. The proposal therefore conflicts with Policy 4 of the South East Lincolnshire Local Plan (2019) as well as advice within Section 14 of the National Planning Policy Framework (2021).

- 3 The proposal does not satisfactorily accord with South Holland District Council's guidance note entitled 'Private Drives - Waste Vehicle Collection Service', which seeks to ensure appropriate arrangements for refuse and recycling collection. In particular, the distance from the curtilage of either dwelling to the public highway far exceeds the 30m carrying distance set out within and it would also not be appropriate in amenity terms for occupants of these dwellings to be depositing refuse and recycling sacks outside unrelated properties which do front the public highway. In addition, it is highly unlikely that the application site would be considered a suitable candidate by the Waste Services department for an indemnity to be entered into for the Council to enter the private drive and collect from the property.

On this basis, it is considered that the proposal does not accord with Policy 3 of the South East Lincolnshire Local Plan (2019) which, amongst other things, states design which is inappropriate to the local area (including impact on residential amenity) will not be acceptable and Paragraph 134 of the National Planning Policy Framework, 2021, which states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

The determined plans are:

SE-1686 100

SE-1686 PP2000

SE-1686 PP2100

SE-1686 PP2101

Flood Risk Assessment (prepared by Ellingham Consulting Ltd, dated January 2022)



Phil Norman
Planning Manager
South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.