DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1038-17**	**Applicant:**	**The Trustees of the Estate of Horace Andrew Deceased**
Proposal:	Residential development (26 dwellings)		
Location:	Locksmill Farm Including Travel Stop Motel Cowbit Road Spalding		
Terminal Date:	12th March 2019		

Planning Policies

Local Plan July 2006:

SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG4	Development in the Countryside
HS4	New Housing in Spalding and the Area Centres (Other Towns and Donington)(Non-Allocated Sites)
HS7	New Housing in the Open Countryside including Other Rural Settlements
HS8	Affordable Housing
HS11	Open Space in New Residential Developments
SG11	Sustainable Urban Drainage Systems (SUDS)
SG12	Sewerage and Development
SG13	Pollution and Contamination
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG16	Parking Standards in New Development
SG17	Protection of Residential Amenity
SG18	Landscaping of New Development

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 9, 11, 12, 14

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON	0	0	0	1

OFFICER - FLOOD RISK ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
LOUISE JENNINGS - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SPALDING CIVIC SOCIETY	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	7	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (26 dwellings), including means of access to the site. The application is accompanied by an indicative site layout plan.

Policies/Constraints

The Council is in the process of finalising a new Local Plan (the South East Lincolnshire Local Plan). The new Local Plan has been through its formal Examination process and the final report from the Planning Inspectorate has now been received. However, the new Local Plan has yet to be formally adopted. The saved policies in the 2006 Adopted South Holland Local Plan therefore remain material. However, the new Local Plan is now considered to carry significant weight in the decision-making process.

South East Lincolnshire Local Plan (scheduled to be adopted March 2019)

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 11 - Distribution of New Housing;
Policy 17 - Providing a mix of housing;
Policy 18 - Affordable Housing.

Representations

LCC Highways - Have no real issues with what is proposed for the application site itself. However, have some issues over the proposed drainage outfall via a riparian watercourse over which the applicant or ourselves have no control.

Environment Agency - No objections subject to finished floor levels being in accordance with dwg. no. 26617/01 (rev B) and flood resilient measures

Anglian Water - The foul drainage from this development is in the catchment of Spalding Water Recycling Centre that will have available capacity for these flows. The development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Environmental Protection - Request standard contaminated land condition.

Environmental Services - The occupiers of plots 4, 5, 6, 7, and 8 must be made aware that they will need to present their waste for collection adjacent to the adoptable highway.

Housing Strategy - The Council will require 25% of the development to be provided as affordable housing to meet district wide housing needs. It would be preferable for the affordable housing to be secured through a S106 agreement.

Spalding Civic Society - There are good features in this proposed development, like the size of the gardens and the scope for off-road parking. Whilst it is good to see the railway-inspired No.49 survive, we feel that some effort should be made to retain the existing No.50, which is well over 100 years old, and restore it to the farmhouse it obviously once was, and to use the existing rear access to the south of the existing building for an access road to new housing to the rear.

Ideally we would like to see the existing barns to the rear preserved as barn conversions to remember the farming heritage of the site. This would enable the site to be developed sympathetically, to retain the existing street scene, and to provide additional housing. In the end, however, we all await the final version of the South-East Lincs Local Plan, which may preclude the use of the land for residential purposes. Some form of market gardening enterprise would seem ideally suited to the site.

LCC Archaeology - This development lies within a few meters of an area of cropmarks which have been interpreted as possible prehistoric / Roman settlement. There is a potential that this settlement could extend into the development site and could be an important archaeological site. Unfortunately we do not have enough evidence at this moment to be able to assess this potential.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered in advance of the reserved matters application being submitted for approval. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned recommendation on this planning application. This evaluation should initially consist of trial trenching which then may further inform a mitigation strategy. It is recommended that the developer should be required to commission a Scheme of Archaeological Works secured by conditions

NHS - Will not be putting in a S106 tender on this occasion.

Lincolnshire Police - No objections in principle subject to advice.

Public - Objections/issues raised by nearby residents (main points summarised):
Outside development boundary; Set precedent and developers will apply for larger schemes at later stage; Harmful to existing character of the area; Result in loss of existing 18th Century building; Loss of trees, flora and fauna, including bats, montjack, owls, etc; Trees should be retained and additional screening provided; Overlooking/loss of privacy - existing properties all sit higher than site; Overshadowing; Noise/disturbance; Dust/pollution; Within Flood Zone 3; Impact on Cowbit Road traffic system which is already an extremely busy, congested and dangerous town route; Entrance on a bend; Increase in traffic will cause traffic problems and lead road safety issues; no objections to re-development of Travel Stop Motel but object to use of agricultural land; Health and safety concerns regarding demolition of existing buildings; Biodiversity features should be included

within the development.

Material Considerations

The main issues in this case are:

- Whether the proposal would be a sustainable form of development taking into consideration economic, social and environmental factors, including its effect upon the character and appearance of the locality;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flooding, drainage, archaeology and ecology.

Principle/Sustainability

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The rear of the site is outside but adjoins Spalding Settlement Limit as defined in the South Holland Local Plan, 2006 and also the South East Lincolnshire Local Plan (2011-2036). However, the Authority does not presently have a 5 year supply of deliverable housing land. Under such circumstances, In accordance with advice within paragraphs 10 and 11 of the NPPF, there should be a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental.

An Economic Role - the proposal would contribute towards housing supply and future occupants may work locally, support local services and therefore make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

A Social Role - the proposal is deliverable and would make a contribution to the supply of housing required to meet the needs of present and future generations. The site is just outside the settlement limit as defined in the South East Lincolnshire Local Plan 2011-2036. However, it is closely related to the built up area and would be accessible to its existing services and facilities.

An Environmental Role - The site extends out beyond existing frontage residential development. However, it is sandwiched between existing agricultural buildings to the rear and also dwellings set further back to the south. Depth development is also situated further to the north. It is considered that a relatively low density scheme of 26 dwellings (density approximately 19/ha) could be accommodated without materially harming the character/appearance of locality. The number of properties proposed would enable the inclusion of a satisfactory landscaping scheme to integrate the development, including the retention of existing trees as far as possible. Matters such as design/appearance would be assessed at the reserved matters stage; however, it is considered that the site could be satisfactorily developed without harming the setting of Spalding Conservation Area.

Concern has been raised over the loss of an existing 18th century period property and also barns. However, they are not listed or within Spalding Conservation Area. Consequently, their loss cannot be resisted.

It is appreciated that the proposal would result in the loss of high-quality agricultural land to housing. Records show that the vast majority of land within South Holland is either Grade 1 or Grade 2. In order to deliver the Council's required 'objectively assessed housing need,' as per the provisions of the Framework, it is inevitable that some high-grade agricultural land will be lost. Given this context, it is not considered that the loss of this amount of agricultural land in this location is an issue that would significantly and demonstrably outweigh the benefits of housing development, and thus represent a valid reason for refusal in this instance.

Amenity

Existing properties to the west slope upwards from the site towards Cowbit Road. It is considered

that the site could be developed so as not to materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. This is subject o appropriate boundary treatment that takes into account the aforementioned and also the fact that finished floor levels would have to be raised to address flood risk.

Matters such as blockage of view and de-valuation of property are not material planning considerations. Issues raised relating to health and safety fall within separate legislation.

Highway Safety

The indicative plan shows that the site would be served by a road to adoptable standards. Some concerns have been raised by local residents. However, LCC Highways raise no objections on highway safety grounds.

Other Material Considerations

Flood Risk - The site is predominantly within Flood Zone 3 on the Environment Agency Maps, although a small section is in Flood Zone 2. The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area classified as "Danger for Some". This is a less severe category and there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework.

Concerning the second element, the SFRA flood depths indicate that the peak depth would range from nil along the frontage to a maximum of 1 metre along the southern boundary. The Environment Agency has recommended that the finished floor level for each plot is set no lower than those shown on drawing no. 26617/01 (rev B): proposed drainage layout. Flood resilient construction should also be incorporated to a minimum height of 300mm above the finished floor level. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Drainage - The foul drainage from this development is in the catchment of Spalding Water Recycling Centre that will have available capacity for these flows.

Surface water would be disposed of via infiltration crates prior to discharge into the South Holland Internal Drainage Board system via a riparian drain. The issue of maintenance of the riparian drain would be dealt with by the Internal Drainage Board under the Land Drainage Act 1991.

Archaeology - This development lies within a few meters of an area of cropmarks which have been interpreted as possible prehistoric / Roman settlement. There is a potential that this settlement could extend into the development site and could be an important archaeological site. Unfortunately we do not have enough evidence at this moment to be able to assess this potential.

LCC Archaeology has indicated that insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. They have therefore recommended that further information is required in the form of an archaeological evaluation. It has been agreed that this matter can be addressed by means of condition.

Ecology - The site is currently agricultural land and is therefore of relatively low value in ecological terms.