DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0705-24**	**Applicant:**	**Mr P Sanderson**
Proposal:	Erection of dwelling - amendment to position of Plot 4 - approved under H23-0358-22. Modification of Condition 2 to allow amendments to previously approved plans and removal of Conditions 3, 4, 5, 6, 7, 11, 13, 14 and 15		
Location:	Orchard Farm Plot 4 Dowsdale Bank Shepeau Stow		
Terminal Date:	11th October 2024		

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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & beautiful 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	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a section 73 planning application for *Erection of dwelling - amendment to position of Plot 4 - approved under H23-0358-22. Modification of Condition 2 to allow amendments to previously approved plans and removal of conditions 3, 4, 5, 6, 7, 11, 13, 14 and 15.*

A dwelling on this application site (Plot 4) as approved under H23-0794-21 and (Erection of dwelling - amendment to position of Plot 4 previously approved under H23-0358-22).
This proposal includes a slightly smaller footprint with a detached car port, the access arrangement remains the same. Additional information required for conditions relating to H23- 0358-22 has also been provided.

Site Description

The site is located to the north-east of the existing farmyard (Orchard Farm) and is currently grassland, with a field access. Farm buildings are situated to the south. A row of high Leylandii is located along the frontage and native hedging is situated along the south-western boundary. The nearest residential properties not associated with the new development are "The Gatehouse" some 230m to the north-east and "Willowdale" to the south-west the opposite side of Orchard Farm.

History

H23-0794-21 - Demolition of existing buildings and erection of 4 dwellings. Approved 16.11.21
H23-0358-22 - Erection of dwelling - amendment to position of Plot 4 previously approved under H23-0794-21 - Approved 23-05-22
H23-0532-24 - Proposed dwelling including a detached car port. Withdrawn
Adjacent Site
H23-0274-23 - Demolition of existing barns and erection of four 4-bed 2-storey detached dwellings. Approved 17-07-23

Consultation Responses

South Holland IDB

Regarding Surface Water
Following the Board's previous comments on planning application H23-0358-22 (our reference 22_06406_P, dated 22/04/2022), I cannot see that the applicant has yet indicated how they intend to discharge surface water from Plot 4 of the development. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS) , therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Regarding Foul Waste
I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent

would be required under Byelaw 3.

Highways & SuDs

No Objections - 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 or increase surface water flood risk and therefore does not wish to object to this planning application.

Environmental Protection

As per the previous approved application H23-0358-22, I request a standard land contamination condition be re-applied at this location for this development. I also request the previous condition regarding acoustic fencing is re-applied for this development.

Parish
Support (with no comments)

Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Biodiversity
- Land Contamination

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 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.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in

respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

This application is for a variation of an extant planning permission; the application site already benefits from permission to erect a dwelling. The most recent permission allowed for a dwelling in a similar location (H23-0358-22). This application seeks to substitute that house type.

It is therefore considered in planning principle terms that the proposal is acceptable as a residential use is already established on this site.

Layout, Design and Impact on the Character of the Area

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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'Ã¢?¦ size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Ã¢?¦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"
The proposal is for a two storey dwelling detached car port. The dwelling has a gallery fenestration to the front, bi-folding doors to the rear (with timber cladding vertically splitting the two). The dwelling is located within an approximate location to the extant permission, though reflect s slightly smaller foot print. Given that this scale and massing is commensurate with the previous approval (and other dwellings recently built in the area) this proposal is considered acceptable.

The proposed plans contain a schedule of materials, these include a brown facing brick, solid Oak cladding, sash windows and details of front and back doors. This palate of materials is considered acceptable. The windows schedule has also been provided. These are all acceptable and would therefore not require the reattachment of materials and window specification conditions.

On this basis the proposal is considered to accord with SELLP Policies 2 and 3.

Impact on Neighbouring Residents/Land Users/Land Uses

Policy 2 and 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The dwelling is located away from the other 3 plots already approved as part of the original application site and therefore impact upon these dwellings is limited. Planning permission H23-0274-23 which relates to an adjacent site is located to the south, this allows for 4 number dwellings, of which plots 3 & 4 are the closest. When considering the already approved impact between the two applications sites, this proposal would not result in any additional overbearing or overlooking.

Environmental Protection have also been consulted and have stated that the proposal is considered to be acceptable but insist on an acoustic fence along the south-eastern and southwestern boundaries, this is in the interest of future amenity rights. The applicant has stated that the farm is no longer functioning as such and that a residential permission is in place. However whilst this may be the case the adjacent residential scheme is yet to come forward and the farm could (in planning terms) be utilised for such purposes again without any permission. This condition will therefore be re-attached.

Given that extant permissions exist across the site that would have a similar relationship to the dwelling proposed under this application the proposal is considered to accord with SELLP Policies 2 & 30 in respect of amenity.

Highway Safety and Parking

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. Policy 36 detail with parking and cycling provision and is also considered relevant.

Highways have been consulted and have stated that *The changes to the previous scheme are acceptable and will not have an adverse impact on the public highway.* It is highlighted to the applicant that permission would be required regarding the access construction, this is part of the highways consenting process and will be attached as an informative to any permission.

Given the proposal does not give rise to any additional highway safety impacts over the extant permission the attachment of condition and informative are sufficient mitigation. On this basis the proposal would accord with SELLP Policies 2, 3 and 36.

Flooding Risk Considerations

SELLP Policy 4 sets out the districts approach to flood risk. Thew application site benefits from an extant permission for residential development and so there are no principle flooding issues. In any case the application site is located within a low hazard area as defined by the SFRA.

The applicant has not stated under this application if there is any change to the method of surface water or foul water drainage. The IDB have been consulted and state that consent may be required. The applicant has evidenced that for the adjacent site that consent was given from the board to direct surface water and treated foul water into the watercourse. Should this not be the method for this site (and instead infiltration to soakaway, which is preferable), then this would need to meet with building regulations.

Either method requires the applicant to go through a consenting/regulation process that is fairly mitigated outside of planning and therefore no conditions will be attached.

The proposal would therefore accord with SELLP Policy 4.

Biodiversity

SELLP Policy 28 concerned with the Natural Environment and point 3 specifically relates to bio-diversity. This is a validation of an existing permission that was approved prior to mandatory BNG being introduced.
The previous permission required a scheme of landscaping and tree planting for the site and the strip of land adjacent the farm access indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance.

This application has shown that the landscaping on site and this is acceptable (especially give the scale of the proposal). However no information has been presented that would allow for the discharge of ecology related condition; the notes of the condition started that *Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.* . Therefore whilst there may be no requirement to include another landscaping condition a condition relating to ecological measures will be attached. it is considered that a 'prior to the first occupation' time phasing would be reasonable.

Therefore subject to the reattachment of this condition the proposal meets with SELLP Policy 28.

Land Contamination

SELLP 30 is concerned with land contamination. The previous permission requested that further information was required as per this topic. Under this application Environmental Protection have requested that the condition is reattached.

Therefore, the proposal subject to the reattachment of the land contamination condition is

considered acceptable.

Planning Balance

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

The application site already benefits from the ability to erect a two storey dwelling, this permission would vary that approved scheme. On this basis it is considered that the proposal is not subject to mandatory BNG given its original permission was approved prior to the ascent of the Environment Bill.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is 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.