

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-1179-18 **Applicant:** H and R J H Creese

Proposal: Residential development (9 plots) - approved under H23-1145-16.
Modification of Condition 4 to remove reference to maximum gross floor space of 1000 square metres

Location: Off Cobgate Whaplode Spalding

Terminal Date: 25th February 2019

Planning Policies

Local Plan July 2006:

SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
HS6	New Housing in the Group Centres (Non-Allocated Sites)
HS8	Affordable Housing
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 2018

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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission was granted for residential development (9 plots) in April 2017, with all matters reserved for subsequent approval (ref. H23-1145-16). The application was accompanied by an indicative layout plan, which included an adopted roadway as opposed to a private driveway. This application is to remove reference to a maximum gross floor area of 1000 sq. m.

Site Description

The site (0.95ha approximately) is land to the rear of existing frontage development on the southern side of Cobgate. It contains a number of domestic outbuildings and also structures used in connection with the breeding and training of birds of prey.

Residential development is situated to the north fronting Cobgate and dwellings associated with Cobgate Close are located to the east. A small road haulage business is located to the west (R J Gratton - Fordfield House).

The Development Plan

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.

Representations

Whaplode Parish Council - Support

Material Planning 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;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as affordable housing and flood risk.

Principle/Sustainability

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

Housing policies within the South Holland Local Plan, 2006 are out-of-date and do not make provision for a 5 year supply of deliverable housing land. They therefore carry limited weight.

The South East Lincolnshire Local Plan (SELLP) 2011-2036 is now at an advanced stage, however, and is scheduled to be adopted shortly (March 2019). In accordance with Paragraph 48 of the Framework, therefore, decision-takers can give significant weight to the relevant policies.

The majority of the site is outside the Development Boundary as defined within the South Holland Local Plan, 2006. In terms of the Plan, therefore, it is within an area regarded as countryside. Saved Local Plan Policy HS7 indicates that new housing will only be permitted in such locations where it is proven essential to meet the needs of rural workers, or the proposal is for small scale, rural exception affordable housing. The development is not required to meet the essential needs of an agricultural or other rural worker, and would not deliver rural exception affordable housing.

However, housing policies within the South Holland Local Plan are out of date. In accordance with advice within paragraphs 10 and 11 of the Framework, where policies for determining an application are out-of-date, there is 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 help to provide the supply of housing required to meet the needs of present and future generations.

Also, the site is accessible to local services and facilities. Whaplode is identified as a "Minor Service Centre" within the South East Lincolnshire Local Plan and the land to which this application relates has been identified as a preferred housing site. The site is therefore considered to be in a sustainable location.

An Environmental Role - The proposal would essentially mirror existing development off Cobgate Close and Sandringham Close to the East and Abbots Gardens opposite. An existing landscape belt is situated along the southern boundary where it borders open countryside. It is considered that the proposal would not materially harm the character or appearance of the area.

Amenity

Proposed vehicular access to the site is between the Paw House, which is within the applicant's control, and No 37 Cobgate (bungalow). A close boarded fence is situated along the common boundary of the latter. Whilst nearby residents would suffer some noise and disturbance especially during the construction phase, it would not be material and would be outweighed by benefits the scheme would bring in terms of providing additional housing within the district. Noise and disturbance during the building phase could be controlled by a construction management plan. A scheme could be accommodated upon the site without material harming the amenity of nearby residents in terms of lack of privacy, overshadowing, overbearing effect, etc.

Highway Safety

Local residents have previously objected on grounds that Cobgate is unsuitable in terms of width and construction to accommodate additional development/vehicular traffic and that the proposed access is unsuitable in terms of visibility and proximity to Abbots Gardens and Cobgate Close. However, the County Highways Authority has previously indicated that it raises no objections, subject to conditions. This includes the provision of visibility splays in accordance with the submitted indicative layout drawing. The roadway should be adopted to address issues raised by Lincolnshire Fire and Rescue and also to enable satisfactory refuse collection. County Highways has indicated that the roadway should consist of a 5 metre carriageway with 1.8 m footways, which is shown on the amended indicative plan. There is no change of circumstance from a highway point of view.

Affordable Housing/S106 Planning Obligations

The gross floorspace of 1000sq m referred to within condition 4 of H23-1145-16 was imposed to provide a threshold concerning the requirement for affordable housing. Paragraph 63 of the NPPF, 2018 indicates that the provision of affordable housing should not be sought for residential developments that are not major developments. The definition of "major" for housing development within article 2 of the T & CP (Development Management Procedure) Order 2010 is 10 or more dwellings, or where the site has an area of 0.5 hectares or more. This site has an area of more than 0.5 ha. However, the Government's Planning Practice Guidance indicates that for the purpose of S106 planning obligations, including affordable housing, only the definition of 10 units or less applies.

Policy 18 of the SELLP indicates that affordable housing should be sought on market housing sites of 11 or more dwellings (or residential developments with an internal floor area of 1,000sq m or more) with a requirement of 25%. However, this does not appear to be wholly consistent with the

aforementioned advice within the PPG, which also no longer makes reference to a gross floorspace of 1000sq m. Taking these matters into consideration and bearing in mind the SELLP has not yet been formally adopted it is considered in this particular case that there is not presently sufficient justification to re-impose part 2 of condition 4 of the previous planning permission (ref. H23-1145-16).

Lincolnshire County Council has not requested an education contribution in this case because the scheme is less than the recent limit for tariff based S.106 contributions of 11 dwellings and above.

Flood Risk

The site is located within Flood Zone 1 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

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 South Holland SFRA indicates that the site is located within an area identified as no hazard. The proposal therefore satisfies the sequential test.