

AGENDA



- Committee - **PLANNING COMMITTEE**
- Date & Time - Wednesday, 15 January 2020 at 6.30 pm
- Venue - Council Chamber, Council Offices, Priory Road, Spalding

Membership of the Planning Committee:

Councillors: B Alcock, J Avery (Vice-Chairman), C J T H Brewis, F Biggadike, H J W Bingham, P E Coupland, H Drury, R Gambba-Jones (Chairman), R Grocock, C J Lawton, J L Reynolds, G T D Rudkin, M D Seymour, A C Tennant and J Tyrrell

Substitute Members of the Planning Committee

Any member may sit on the pool of substitutes for the Planning Committee provided they receive training every 12 months as approved by the Council (minute 290(c)/05 refers). Substitutions are for individual meetings only.

Quorum: 5

Persons attending the meeting are requested to turn their mobile telephones to silent mode

Democratic Services
Council Offices, Priory Road
Spalding, Lincs PE11 2XE

Date: 7 January 2020

AGENDA

1. Apologies for absence.
2. Minutes (Pages 3 - 8)
To sign as a correct record the minutes of the meeting held on (copy enclosed).
3. Declaration of Interests.
(Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a grant of dispensation.)
4. Questions asked under the Council's Constitution (Standing Orders).
5. H13-1215-18 (Pages 9 - 24)
Full application for the erection of 86 dwellings and associated works at Land north of Roman Road, Moulton Chapel, Spalding (report of the Development Manager enclosed).
6. H14-0029-19 (Pages 25 - 32)
Full application for use of land to site 4 static caravans for seasonal workers at Small Drove Lane, Pinchbeck, Spalding (report of the Development Manager enclosed).
7. H23-1012-19 (Pages 33 - 40)
Full application for erection of one detached bungalow at Land off Green Bank, Whaplode Drove (report of the Development Manager enclosed).
8. Planning Appeals (Pages 41 - 42)
To provide an update on recent Appeal Decisions (report of the Development Manager enclosed).
9. Any other items which the Chairman decides are urgent.

Note: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

Minutes of a meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 18 December 2019 at 6.30 pm.

PRESENT

R Gamba-Jones (Chairman)
J Avery (Vice-Chairman)

B Alcock
C J T H Brewis
H J W Bingham
R Grocock

C J Lawton
M D Seymour
A Casson
N H Pepper

A C Beal
J R Astill

In Attendance: The Development Manager, the Planning and Building Control Manager, the Senior Planning Lawyer, the Principal Planning Officer and the Democratic Services Officer.

67. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Drury and Rudkin.

The Senior Planning Lawyer reported that notification had been received of the following substitutions for this meeting only:

- Councillor Casson replaced Councillor Biggadike
- Councillor Pepper replaced Councillor Reynolds
- Councillor Beal replaced Councillor Coupland
- Councillor Astill replaced Councillor Tyrrell
- Councillor Newton was due to replace Councillor Tennant but due to illness was absent.

68. **MINUTES**

Consideration was given to the minutes of the meeting of the Planning Committee held on 13 November 2019.

AGREED:

That the minutes be signed as a correct record.

(Moved by Councillor Grocock, Seconded by Councillor Beal)

69. **DECLARATION OF INTERESTS.**

Councillor Avery stated that in relation to agenda item 6, he was acquainted with applicant but had no pecuniary interest.

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Councillors Lawton, Alcock and the Chairman stated that they had been lobbied in relation to agenda item 6. The Chairman also stated that he had had a number of conversations with the application on various issues with the application.

70. **QUESTIONS ASKED UNDER THE COUNCIL'S CONSTITUTION (STANDING ORDERS).**

The Senior Planning Lawyer made a statement regarding a change in Procedure.

71. **H04-0214-19 - WITHDRAWN PRIOR TO THE MEETING**

Planning No. and Applicant

H04-0214-19 Mr T Hart

Proposal

Full application of erection of eight 3 bedroomed dwellings at Land adjacent: 1a and 29 Northorpe Road, Donington, Spalding.

The Chairman reported that this item had been withdrawn from the agenda.

In response to a complaint received by the Chairman relating to the above application, Councillor Gambba-Jones made a statement.

72. **H17-0797-19**

Planning No. and Applicant

H17-0797-19 Mr and Mrs West

Proposal

Full application for change of use of private swimming pool to swimming pool for private hire, exclusive for family groups of up to 6 babies, rehabilitation and certain disabilities.

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request, in line with the Democratic Services Privacy Notice.

AGREED:

That planning permission be granted subject to the conditions set out in Section 9.0 of the report.

(Moved by Councillor Avery, Seconded by Councillor Brewis)

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Supporter - Mr Nigel West (Applicant)
Objector - Mr Charles Dobney

73. **H22-0843-19**

Planning No. and Applicant

H22-0843-19 South Holland District
Council

Proposal

S73A continuation for residential
development comprising 34 dwellings –
approved under H22-0398-18 – Modification
of Condition 3 relating to affordable housing
at Land off Small Drove, Weston.

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request, in line with the Democratic Services Privacy Notice.

AGREED:

That planning permission be granted subject to a legal agreement if required and the conditions set out in Section 9.0 of the report.

(Moved by Councillor Casson, Seconded by Councillor Grocock)

74. **H11-0951-19**

Planning No. and Applicant

H11-0951-19 Mr T Antonio and Mr
P Hall

Proposal

Full application for use of site as Astro Turf
Recycling Centre (retrospective) at The Astro
Farm, Roman Bank Crosses, Long Sutton.

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request, in line with the Democratic Services Privacy Notice.

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AGREED:

That planning permission be granted subject to the conditions set out in Section 9.0 of the report.

(Moved by Councillor Brewis, seconded by Councillor Lawton)

75. **H22-0994-19**

Planning No. and Applicant

H22-0994-19 Larkfleet Limited

Proposal

Full application for erection of a pair of elevated modular concept dwellings at Ashgrove Lodge, Austendyke Road, Weston Hills

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request, in line with the Democratic Services Privacy Notice.

AGREED:

That a 5-year Temporary Permission be granted subject to the conditions set out in Section 9.0 of the report.

(Moved by Councillor Casson, seconded by Councillor Grocock)

76. **H23-1024-19**

Planning No. and Applicant

H23-1024-19 Mr S Jeffs

Proposal

Full application for erection of earth sheltered dwelling at Homeland Eaugate Road, Whaplode Drove.

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at

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www.sholland.gov.uk for a limited period of time following which the recording could be made available by request, in line with the Democratic Services Privacy Notice.

AGREED:

That planning permission be refused for the reason listed in Section 9.0 of the report.

(Moved by Councillor Astill, seconded by Councillor Seymour)

Supporter - John Dickie (Agent)

77. **PLANNING UPDATES.**

Members considered a report from the Portfolio Holder for Place which informed Members of the annual update to the South Holland Brownfield Land Register, to be published on the Council's website.

AGREED:

That the South Holland District Brownfield Land Register 2019 be noted.

78. **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**

There were none.

(The meeting ended at 7.51 pm)

(End of minutes)

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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 15 January 2020

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H13-1215-18

Application Number: H13-1215-18

Date Received: 05 December 2018

Application Type: FULL

Description: Erection of 86 dwellings and associated works

Location: Land north of: Roman Road Moulton Chapel Spalding

Applicant: Larkfleet Homes

Agent:

Larkfleet Homes

Ward: Cowbit, Weston and Moulton

Ward Councillors:

Cllr R Grocock
Cllr A Casson
Cllr A R Woolf

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H13-1215-18>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal raises issues that warrant consideration by Planning Committee.

2.0 PROPOSAL

2.1 Full planning permission is sought for the erection of 86 dwellings consisting of 8 no. 2 bed, 35 no. 3 bed, 38 no. 4 bed and 5 no. 5 bed properties. Vehicular access would be off Roman Road with a pedestrian link to the residential estate to the west.

2.2 The scheme includes a range of dwelling types which, with the exception of plots 13, 14 and 17, are all two storey. The properties are mainly detached houses, other than three rows of terraced houses (plots 8, 9, 10, 34, 86, 35, 82, 83 and 84), two pairs of semi detached houses (plots 4, 5, 32 and 33) and a pair of semi-detached bungalows (plots 13 and 14). The density is approximately 22 units per hectare (8.8 units/acre).

2.3 The proposal was originally for 99 dwellings but has been reduced to 86 following discussions with the applicant and other involved parties. It includes 12 affordable properties (approximately 14%), with half of the education and NHS financial contributions. The affordable housing would be modelled on a mix of 8 for affordable rent (5 x 2 bed houses and 3 x 3 bed houses) and 4 for shared ownership (4 x 3 bed houses).

3.0 SITE DESCRIPTION

- 3.1 The site (some 3.9 ha) is mainly agricultural land located on the northern side of Roman Road. A drain runs along its northern boundary with agricultural land beyond. A shallow drain runs across the entrance area.
- 3.2 Land associated with Greystones is situated to the east and a residential estate to the west. Dwellings are located to the south each side of the access fronting Roman Road.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 10 - Meeting Assessed Housing Requirements;
Policy 11 - Distribution of New Housing;
Policy 17 - Providing a Mix of Housing;
Policy 18 - Affordable Housing;
Policy 28 - The Natural Environment;
Policy 29 - The Historic Environment;
Policy 30 - Pollution;
Policy 36 - Vehicle and Cycle Parking.

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving Sustainable development;
Section 3 - Plan Making;
Section 4 - Decision Making;
Section 5 - Delivering a Sufficient Supply of Homes;
Section 11 - Making Effective Use of Land;
Section 12 - Achieving Well-Designed Places;
Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;
Section 15 - Conserving and Enhancing the Historic Environment.

Planning Practice Guidance (PPG)

National Design Guide

5.0 RELEVANT PLANNING HISTORY

- 5.1 No recent planning history.

6.0 REPRESENTATIONS

6.1 Moulton Parish Council

The Parish Council object to the revised planning application on the following grounds:
1. the number of dwellings remains above the agreed plan area and needs further reductions.

2. Most concerned that the applicants have drawn up a plan regarding possible reduction in number of affordable homes and any reduction in s106 payments. Affordable housing and money gained by any s106 payments for schools, etc are the only village benefits for the present inhabitants.

3. If it is not financially viable, then the project should be cancelled and the land left as agricultural.

6.2 Ward Councillor

Cllr. A R Woolf

Reduction in the number of properties still over the number both recommended for the site and over the number within the recently adopted Local Plan for Moulton Chapel. Therefore, I re-iterate all my comments from my previous submission and reasons for refusal; namely,

- Over-development;
- Not in-keeping with the village;
- Number of properties exceeding proposed site allocation and village total as per emerging Local Plan;
- Road Safety/Hazards on Roman Road;
- Contribution from developer to support Community Infrastructure.

The number of affordable housing is still low. Finally, there is no mention of S106 contributions on the amendment although it has been noted at the time of writing, that NHS would be seeking a financial sum. This in addition to LCC Education requirements should be met along with any request from the Parish Council should they wish to apply in order to ensure Moulton Chapel has a solid infrastructure to absorb this large development.

6.3 County Councillor

Cllr. N Pepper

A number of residents have expressed concern on the following grounds:

Moulton Chapel's rural nature is typically with dwellings benefitting from spacious plots and large gardens and in-turn sets the scene for future development.

Because of the high density compared to its surroundings it is considered that the proposed development is out of character and incongruous with the village and a considerable reduction in proposed dwellings would be considered more acceptable.

6.4 Sir John Hayes MP

I share the concerns of local residents about the scale of this development. Furthermore, outline planning has already been granted for another location south of Roman Road for up to 58 properties. These proposals will, therefore, have a significant impact on the character and landscape of Moulton Chapel, dramatically increasing the population of this small village. Clearly, I would not want to see any area in my constituency over developed.

This increase in population would clearly give rise to more demand on local GPs, dental practices and schools.

I am also worried about the increase in traffic movements. The vehicular access onto Roman Road from the development, simply, would not be adequate to cope with the volume of traffic created.

Residents have told me that they appreciate some development must take place in Moulton Chapel, and it can have a healthy effect on local businesses and the community as a whole, but they do not want to see large scale development at the detriment of the character of the village. Moulton Chapel must not be allowed to become merely a commuter village for those that want to live close to Peterborough and the amenities it offers, such as the rail link to London.

As you know, along with my constituents, I want to see only the highest quality designed and built properties, in keeping with the locality, being added to our villages; Moulton Chapel deserves nothing less, however, I am not confident that this proposal fits that brief.

6.5 Highways/SUDS

Request conditions.

6.6 Housing Strategy

25% of the development should be provided as affordable housing. However, for this development the applicant has submitted viability evidence stating that the affordable and other policy contributions are unviable. The council has assessed this evidence using an independent viability expert, which unfortunately indicates that the affordable and other contributions would not be deliverable at policy compliant levels. The independent expert concludes that 12 (13.95%) affordable homes with half of the requested education and NHS contributions would be viable. Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site by site basis due to factors such as viability or affordable housing need. Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs. For this application the developer is proposing 8 of the affordable homes for Affordable Rent, comprising 5 x 2 bed houses and 3 x 3 bed houses, and 4 for Shared Ownership, comprising 4 x 3 bed houses. This has been deemed viable by the independent assessor.

6.7 Environment Agency

Planning permission should only be granted subject to a condition requiring full details of mains foul sewage infrastructure on and off the site.

6.8 SHDC Environmental Protection

Request the full contaminated land condition at this location.

6.9 Anglian Water

The foul drainage from this development is in the catchment of Cowbit Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

6.10 Historic England

No comments

6.11 LCC Archaeology

Recommend that further information is required in the form of an archaeological evaluation.

6.12 LCC Education

Request a contribution of £225,528 (based on 85).

6.13 NHS England

Request a contribution of £660 per dwelling (£56,760).

6.14 Lincolnshire Wildlife Trust

Wish to ensure that the maximum biodiversity benefits are achieved for the proposed development. An Extended Phase 1 Survey by Lockhart & Garrett (report dated 18 July 2018) was undertaken. We would like to see all recommendations for further ecological assessment, mitigation and enhancement considered and implemented within this development.

6.15 Lincolnshire Police

No objections. Refer to guidance on crime prevention.

6.16 Public

Objections received from local residents (summarised):

Unsustainable; Not brownfield; Loss of grade 1 agricultural land; Overdevelopment - not in accordance with number specified in the Local Plan; Standard design; Harm rural character and landscape; No environmental merits; Inadequate facilities and infrastructure (eg, schools, medical facilities, dentists, etc); Roads, footways and junctions unsuitable in width and construction for additional development/ traffic; Inadequate street lighting; Access close to another access serving an approved development of 58 houses south of Roman Rd (H13-0844-17); Detrimental to highway safety, including children; Lack of public transport - reliance on motor car; Overlooking/lack of privacy; Noise and disturbance; Blockage of view; Health issues; Drainage issues - sewers and drains inadequate; New footway link is a security issue/concern; Pond and drains dangerous for children; Loss of wildlife; Affect neighbouring trees; If the S106 is waived it will not meet the criteria of providing homes for local people and amplify the negative impact the development would have on local facilities - set dangerous precedent; Maintenance issues; Scheme planned for 58 houses elsewhere within the village - Moulton Chapel already has its share of new housing; Possible structural damage; Breach IDB byelaws; Lack of affordable housing for local people; Applicant failed to uphold their Commitment to the Community; Affect broadband; Request boundary fencing;

Moulton Chapel Primary School (summarised) - Object if applicant not prepared to offer funding. Moulton Chapel Primary is "full". A small primary school needs careful class size management, in particular in relation to Infant Class Size Regulations where there must be one teacher to every thirty infant pupils. It is to be assumed that a new housing development would attract young couples/young families. An increase of just 3 pupils in our infant class would demand the employment of an additional full time teacher to enable class set up to be adjusted to meet the Regulations. An increase in numbers across all year groups would demand a complete rethink of how classes are constructed. The governors feel that, should this large development be approved, funding from the developer for the physical expansion of the school to provide permanent accommodation for an additional class, is essential. So far as staffing is concerned a total additional intake of 17 pupils would be required to attract the funding required to fully fund an additional teacher. An increase in pupil numbers would be gradual over time and the impact on the school's funding would be slow to catch up to the required level. This would be to the detriment of pupils within the school over this period. The governors have other concerns over this proposed development relating to drainage services, GP and dentist provision and the increase in traffic within the village.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The main issues in this case are:

- Principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway issues;
- Other material considerations such as S106 planning obligations, flooding, drainage, contamination, archaeology, ecology, refuse collection and public open space.

7.3 Housing Policy/Sustainability

7.4 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.

7.5 The site is within Moulton Chapel Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Moulton Chapel, 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. Development will normally be limited to allocated and committed sites and infill. In this case the site is allocated (ref. Mou042). No objections are therefore raised in principle.

7.6 Policy 11 of the SELLP indicates that the amount of new housing on the site should be approximately 78. However, it should be noted that explanatory text accompanying Policy 11 states that "The housing site allocations for each settlement identified by Policy 11 indicate the

capacity of the sites shown on the Inset Maps. This is only a broad indication based upon 30 dwellings per hectare for sites within the Boston urban area and Spalding, and 20 dwellings per hectare for all the Main and Minor Service Centres. The settlement-specific Housing Papers will highlight those few sites where this assumed ratio of dwellings per hectare is different. The stated capacity is not necessarily a maximum or, in some cases, a minimum capacity that would be expected on each site; viability, design, constraints and the most efficient use of land in delivering new homes should be the primary considerations in meeting housing needs." Consequently, proposed allocated sites should be assessed on their own planning merits.

- 7.7 Policy 17 of the South East Lincolnshire Local Plan stresses that providing a mix of property types is important in meeting housing needs, as well as delivering sustainable development for the community. The proposal is considered to be satisfactory in this respect.
- 7.8 Character/Appearance
- 7.9 The site is situated on the northern side of Roman Road and adjoins existing estate (depth) development to the west. Existing development nearby is mostly 20th Century in construction age, dating from pre 1900's to the present day. The historic village was first situated at the cross point of Roman Road and Woodgate Road. Today, the village has spread further along these roads and to the east and west.
- 7.10 Existing development is a varied mixture ranging from single storey to 2 storey dwellings across the village. The properties are typically detached with some semi-detached dwellings. The materials used in the construction of village properties are mixed. The materials include a range of: red brick, cream brick and grey brick. Some of the properties use white render and stone detailing to individualise the property. The village also has a varying style of roof types. Slate, red and brown roof tiles are all materials identified across the village. Fenestration is typically in the form of uPVC casement windows.
- 7.11 The applicant has indicated that the design concept is a response to the site's opportunities and constraints and underpins the planning layout. The Design and Access Statement stresses that the principle aim is to successfully manage the interface between existing and proposed development - along principally the western edge of the site - and the transition between the site and the area of open countryside to the North and East.
- 7.12 The DAS also states that the site's existing features have been an important determinant of the layout, including the retention of existing trees and hedgerows. The landscape impact of the scheme has also played a significant role in the development of the planning layout. New hedging is proposed along the northern boundary to lessen the impact of the development when approaching the village from the north.
- 7.13 The proposed dwellings are of varied design and appearance to reflect existing development nearby. Although the number of properties exceeds the number estimated within the SELLP (78 no.) it is considered that the development would not materially harm the existing character or appearance of this part of the village. It would not affect the setting of Moulton Chapel Mill (grade II listed) or the Chapel of St. James (grade II* Listed), both of which are situated further to the south west.
- 7.14 Residential Amenity
- 7.15 Vehicular access to the site is between nos. 52 and 58 Roman Road. The proposed dwellings along the northern and eastern perimeters would overlook open land and land to the rear of Greystones, with the exception of Plot 85, which adjoins an existing landscape belt. The dwellings along the western boundary would back onto existing development off Benton Close, Wiles Avenue and Braybrooks Way. Existing ground levels along this section of the site vary between 2.5m aOD and 3.0m aOD approximately. A drainage plan submitted with the application indicates that finished floor levels would be in the region of 4.30m aOD to provide gravitational drainage falls. Appropriate screening should therefore be erected along this boundary to protect the amenity of neighbouring residents. Plots 1-12 border a landscaped area. It is considered that the scheme would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc, subject to satisfactory boundary screening.

- 7.16 Concerns have been raised over possible noise and disturbance during the construction stage. This matter can be addressed by means of a construction management plan. It falls to the developer to carry out the development in a responsible manner. If structural damage were to occur, for instance, it would be a separate civil matter.
- 7.17 Issues such as blockage of view and property devaluation are not material planning considerations and therefore carry no weight.
- 7.18 Highway Issues
- 7.19 Each property would have on site parking with no communal parking. The proposal satisfactorily accords with Policy 36 of the SELLP.
- 7.20 The application is accompanied by a transport assessment and travel plan. Vehicular access to the site would be off Roman Road and the majority of the road network within the site would be adopted. Concerns have been raised by local residents on highway safety grounds. However, the County Highways Authority has been consulted and raises no objections on highway safety grounds, subject to conditions.
- 7.21 Other Matters
- 7.22 S106 Planning Obligations - Paragraph 3.7.1 of the SELLP indicates that "the policy implications of this Local Plan, including those matters to be sought by developer contributions, have been subject to a Whole Plan Viability Assessment to ensure that the cost would not adversely impact upon the viability of development in South East Lincolnshire As such, it is expected that the costs of developer contributions are factored in when land is purchased".
- 7.23 Notwithstanding this fact, however, the applicant has submitted viability evidence stating that the affordable and other policy contributions are unviable due to abnormal costs such as ground conditions and drainage issues. The council has assessed this evidence using an independent viability expert, which indicates that the affordable and other contributions would not be deliverable at policy compliant levels. The independent expert concludes that 12 (13.95%) affordable homes with half of the requested education and NHS contributions would be viable. Policy 18 (Affordable Housing) of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site by site basis due to factors such as viability or affordable housing need. Policy 17 (Providing a Mix of Housing) in the Local Plan encourages a mix of house types and sizes to meet a range of needs. For this application the developer is proposing 8 of the affordable homes for Affordable Rent, comprising 5 x 2 bed houses and 3 x 3 bed houses, and 4 for Shared Ownership, comprising 4 x 3 bed houses. This has been deemed viable by the independent assessor.
- 7.24 Flood Risk - The site lies within Flood Zone 1 within the Environment Agency Flood Maps and within an area shown to be unaffected within the South East Lincolnshire Strategic Flood Risk Assessment. The site is therefore sequentially preferable. In terms of the exceptions test, it is recommended that finished floor levels be set at least 300mm above existing ground levels.
- 7.25 Drainage - Foul water would be disposed of via the mains drain sewer. It is recommended that a full foul water drainage strategy be approved prior to commencement of the development. This can be addressed by means of condition.
- 7.26 A SUDs scheme would be utilised to dispose of surface water, including a pond within the area of public open space. Government advice recommends a SUDs scheme in relation to development of this scale. It is noted that concerns have been raised on safety grounds. However, it is normally recommended that such areas remain open because of greater surveillance from nearby properties, etc..
- 7.27 Contamination - The Geo-Environmental Desk Study Report accompanying the application indicates that there are no readily identifiable sources of contamination. Nevertheless, Environmental Protection has requested a contaminated land condition.

- 7.28 Archaeology - Moulton Chapel is part of an extensive and densely-exploited Iron Age and Roman landscape of settlements, droveways, enclosures and industrial sites, and development on such a scale has the potential to impact previously unknown finds and features from both periods.
- 7.29 LCC Archaeology has not previously been consulted on these proposals and the geophysical survey submitted here was neither recommended nor approved by them. Geophysics is a non-invasive technique that cannot in isolation be used as a definitive method of evaluating a site's archaeological potential, and it is particularly unreliable in fenland geological conditions. Had LCC Archaeology been consulted prior to the work being carried out, they would not have recommended commissioning such a survey as its results were unlikely to be meaningful.
- 7.30 That this technique is unsuitable is adequately reflected in the fact, noted in the report that "despite the watching brief results to the west, the survey did not identify any clear evidence for archaeological features within the study site." This survey has therefore failed to identify known archaeological features that almost certainly continue into the proposed development site, further undermining its ability to act as a credible assessment of the site's archaeological potential.
- 7.31 Further to this, an archaeological evaluation by trial trenching that has not yet entered the public domain (associated with a development in the immediate vicinity) has revealed concentrations of Roman activity including artefactual remains, as well as traces of a possible Iron Age or Roman timber roundhouse. Similar remains may be preserved within the area of the proposed development and would not be visible in the geophysics survey, but would be discernible were a similar programme of trial trenching evaluation to be employed here.
- 7.32 Therefore, LCC Archaeology has recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on the planning application. This evaluation should consist of trial trenching.
- 7.33 Ecology - This submitted ecology report indicates that the site is of limited ecological interest with no significant adverse effects. A landscape strategy plan will support this application in order to maintain and promote biodiversity. Areas of public open space and shrub planting will contribute to biodiversity, along with new and the retention of existing hedgerow boundaries, which would offer foraging, breeding and sheltering.
- 7.34 Refuse Collection - A limited number of properties would be served by a private driveway. Refuse collection points would therefore need to be provided. This matter can be addressed by means of a condition.
- 7.35 Public Open Space - The public spaces within the site are clearly distinguished through the effective use of hard and soft landscaping. The proposal includes a children's play area that would be open to surveillance by occupiers of nearby dwellings.
- 7.36 **Additional Considerations**
- 7.37 Public Sector Equality Duty
- 7.38 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.

- 7.39 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.40 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.
- 7.41 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.42 Human Rights
- 7.43 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).
- 7.44 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.
- 7.45 Conclusion
- 7.46 The site is an allocated site within the South East Lincolnshire Local Plan, 2019 and is considered to be suitable for the proposed housing scheme. The proposal would not materially harm the rural character or appearance of the area. Moreover, the development would not have a material effect upon the amenity of nearby residents, subject to satisfactory boundary screening to address raised levels required to provide gravitational drainage. The County Highways Authority has raised no objections on highway safety grounds, subject to conditions. Matters such as flood risk, contamination, drainage and refuse collection can be addressed by means of conditions.
- 7.47 LCC Archaeology has requested that an archaeological evaluation be carried out prior to determination.
- 7.48 A viability assessment has been carried out, which concludes that a viable scheme is 12 affordable properties with half of the education and NHS financial contributions.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to:

- 1) An archaeological evaluation first being carried out to the satisfaction of Lincolnshire Archaeology;
- 2) The applicant entering into a Section 106 obligation relating to affordable housing and a financial contribution to cater for extra NHS and education capacity;
- 3) Those conditions listed at Section 9.0 of this report plus any additional archaeological conditions required.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1:2500 Location Plan;
SL-01 Rev E;
1206/A00/DS;
1207/L00/DS;
L000/2110/DS;
L00/2224/DS Rev B;
2307/L00/DS;
L000/2308/DS;
2318/DS;
2318b/DS;
L00/2324/DS;
L00/2328/DS;
L00/2329/DS1;
L00/2329/DS2;
L00/2401/DS;
2404/L00/DS;
L00/2409/DS;
L00/2430/DS;
2432/A00/DS;
L00/2434/DS;
2435/L00/DS;
2510/L00/DS/AS/02;
2510/L00/DS/AS/01;
L00/2513/DS;
L000/DG/01;
L000/DG/02;
L000/DSG/02;
L000/SG/04;
L000/SG/05;

Transport Assessment by ADC Infrastructure Ltd (Ref: ADC1892-RP-A);
Flood Risk Assessment by RSK (Ref: 881565(02) - FRA) dated April 2019;
Archaeological Desk-Based Assessment by CGMS Heritage (Ref: MF/24826/01) dated September 2018;
Arboricultural Report by AWA Tree Consultants (Ref: AWA2421) dated October 2018;
Protected Species Report by Lockhart Garratt (Ref: 18-0898 - Version V1) dated 16 July 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. Prior to its installation, details of the proposed boundary treatment/screening, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. Notwithstanding the submitted plans full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall be constructed in accordance with the details so approved.

Note: Finished floor levels and boundary screening shall be such as to protect neighbouring residents from significant overlooking at ground floor level.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents, its visual and architectural relationship with adjacent development and also flood risk. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

7. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration, smoke and mud on the highway shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Roman Road and residential amenity.

Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority. In particular the following measures shall be fully implemented before the property is first occupied:
- Finished floor levels shall be set at least 300mm above existing ground level;
 - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

Note: Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

9. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:
- i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
 - ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
 - iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.
 - iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

10. A management plan for the areas of publicly accessible open space, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.
- Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.
11. An equipped children's play area shall be provided within the site. The timing of the implementation, location, detailed design, layout, specification of the equipment, and the management and maintenance regime of the play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be provided in accordance with the details so approved, and thereafter so maintained.
- Reason: To ensure that adequate play provision is made for the occupiers of the development hereby permitted and that the facility is adequately managed and maintained.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.
12. No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any dwelling to which it relates is occupied and shall thereafter be retained.
- Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.
13. Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).
- Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.
14. No dwelling (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with Roman Road, including visibility splays, has been completed.
- Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

15. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

16. Notwithstanding the submitted details the permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

17. Prior to the construction of any dwelling and notwithstanding the submitted details a scheme for on-site foul water drainage works, including connection point and discharge rates, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling, the foul water drainage works relating to that dwelling must have been carried out in complete accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

This condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

18. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.

This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

19. The development shall be carried out in accordance with the recommendations within the Extended Phase 1 Survey Report accompanying the application.
- Reason: In the interest of biodiversity.
This condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.
20. Any conditions requested by Lincolnshire Archaeology following the archaeological evaluation.
21. Note 1: 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, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, subject to conditions.
- This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>
22. Note 2: This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990.
23. Note 3: The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail developmentmanagement@lincolnshire.gov.uk.
24. Note 4: All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.
25. Note 5: Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
26. Note 6: The applicant's attention is drawn to advice from Lincolnshire Police dated 12 December 2018.

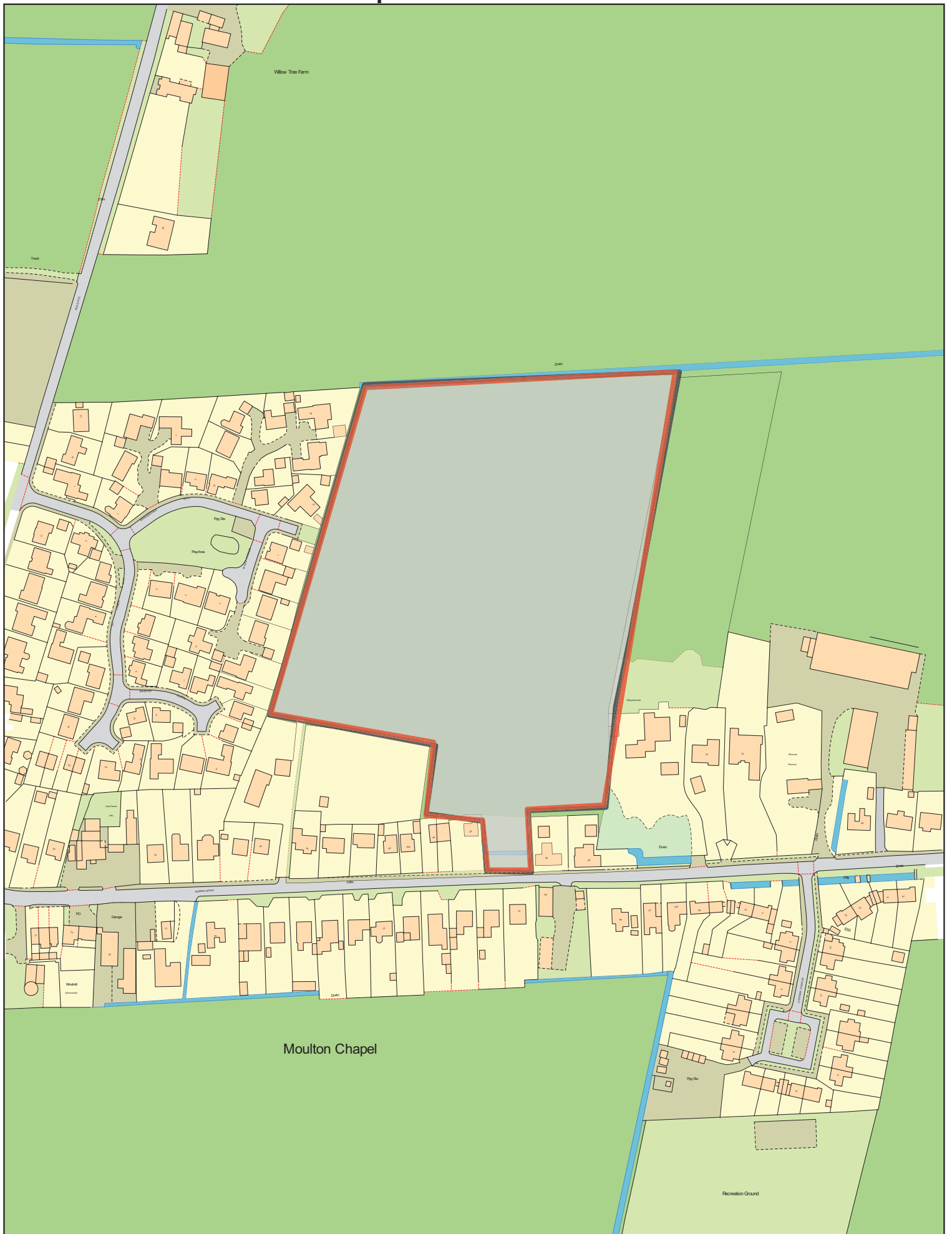
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email: rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A



SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 15 January 2020

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H14-0029-19

Application Number: H14-0029-19

Date Received: 10 January 2019

Application Type: FULL

Description: Use of land to site 4 static caravans for seasonal workers

Location: Small Drove Lane West Pinchbeck Spalding

Applicant: E M Cole (Farms) Ltd

Agent:

R Boor Draughtsman

Ward: Pinchbeck and Surfleet

Ward Councillors:

Cllr S A Slade
Cllr J Avery
Cllr E J Sneath

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H14-0029-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections received and policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 This is a Full planning application for the use of land to site 4 static caravans for seasonal workers at E M Cole Farms Ltd, Small Drove Lane, West Pinchbeck.

2.2 Currently there are 16 full time employees at the premises with 16 to 20 additional seasonal migrant full time workers. At peak times, the applicant advises that the migrant labour can be supplemented with 25 to 30 agency workers. The intention is that siting the caravans on site would enable the business to increase their seasonal migrant workforce by 12 people.

2.3 It is proposed that the four 4-person static caravans would be sited adjacent to an existing glass house on a grassed area that is not currently utilised. A new hedgerow would be planted along the road as screening. The caravans would be raised by 1m as a flood mitigation measure.

3.0 SITE DESCRIPTION

3.1 The site is a small grassed parcel of land within a wider horticultural establishment. There is a large glasshouse immediately to the west/south-west. There is agricultural land to the north which is separated by a drain. Pallets are stored on land to the east and there is a gravelled parking area to the south.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

5.0 **RELEVANT PLANNING HISTORY**

5.1 H14-0292-10 - Certificate of Lawful Use - Use of two caravans for accommodating seasonal workers for approximately six months of each year - Approved December 2011.

5.2 H14-0291-10 - Full planning application - Siting of two mobile homes for use of approximately 6 months of each year to accommodate seasonal workers - Approved July 2010.

6.0 **REPRESENTATIONS**

6.1 Pinchbeck Parish Council

Support.

6.2 LCC Highways/SUDS

Does not wish to restrict the grant of permission.

6.3 SHDC Environmental Protection

No comments or objections.

6.4 SHDC Private Sector Housing Community and Neighbourhood Services

No observations or objections.

6.5 Black Sluice Internal Drainage Board

No objections.

6.6 Environment Agency

Objection in principle (due to location within Flood Zone 3) and advises that proposal is contrary to advice within the South East Lincolnshire Standing Advice Matrix (2016) (specifically cell D6). Mitigation is required in the form of level for level flood compensation.

6.7 Public (1 Objection - summarised)

- Loss of privacy
- Impact on character of area with no screening of caravans
- Concern regarding impact on highway safety and condition of Small Drove Lane
- Impact on security of property
- Additional noise and disturbance
- Over expansion and development of existing farm.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The key issues in respect of this application are:

- Principle
- Flood Risk
- Residential Amenity
- Impact upon Character and Appearance of the Area and Overdevelopment
- Highway Safety

7.3 Principle

7.4 The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is, therefore, classed as being in the countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The proposal is intended to meet the needs of the farm business which it would be immediately adjacent to.

7.5 Paragraph 83 of the National Planning Policy Framework (2019) stresses that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas. It should be recognised that sites to meet local business needs may have to be found adjacent or beyond existing settlements. This is especially considered to be the case in conjunction with agriculture.

7.6 Criteria that are commonly used to assess whether transient agricultural workers accommodation is required include the following:

- 1) Essential and proven need - The applicant has provided information satisfactorily demonstrating that temporary accommodation is required on site to meet the needs of the business going forwards;
- 2) Commensurate with the needs of the holding - 4 statics to accommodate 12 workers are considered commensurate to the needs of the business given the number of agency workers that can be employed at peak times;
- 3) Temporary accommodation - The accommodation proposed is for seasonal workers and is not permanent;
- 4) Character of area - The existing hedging along the eastern boundary of the wider site is to be retained and extended northwards along the eastern edge of the field to the north. It is considered that this would provide sufficient screening;
- 5) Satisfactory standard of accommodation and regular transport - The following facilities would be provided by the applicants for the migrant workers: laundry facilities; bicycles; and weekly transport to shops or leisure activities. The site is currently grassed and the area around the caravans will remain so for use by occupants. Picnic tables will be provided adjacent to the caravans for the occupants as already provided for the existing caravans on site. The standard of accommodation and facilities associated with it are considered sufficient to cater for the scale of the development proposed;
- 6) Existing dwellings - There are presently no buildings on or adjoining the site that are available for use or suitable for conversion to residential use.

- 7.7 In addition, permission has previously been granted (under application reference H14-0291-10) for the siting of two caravans for seasonal workers on another part of the E M Coles site off Small Drove Lane. This permission was granted on a temporary basis (3 years). In the course of dealing with this present application it has been identified that that particular permission lapsed in July 2013, however it demonstrates that the siting of caravans in this location has previously been deemed acceptable and the applicant is to be asked by the Planning Enforcement team to submit a new planning application to regularise the situation. There are also two other caravans for seasonal workers on the premises which have the benefit of a Certificate of Lawful Use (approved in December 2011 under ref. H14-0292-10), thus the total number of caravans on site being 4.
- 7.8 Given the above, the proposed development is considered, on balance, to comply with the provisions of Policy 1 of the Local Plan.
- 7.9 Flood Risk
- 7.10 The site in question is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies that the site would be exposed to flood depths of up to 1m in depth with hazard classified as 'danger for most'. In a fluvial scenario such as this, and where any caravans are proposed to be located in Flood Zone 3, the Environment Agency object in principle.
- 7.11 However, in this instance, it is considered that there is sufficient justification to override the Environment Agency's objection. The reasons for this are set out below in the context of the NPPF.
- 7.12 The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, 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 can be applied if appropriate.
- 7.13 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. Furthermore, National Planning Practice Guidance states that a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.
- 7.14 As the vast majority of South Holland District is in Flood Zones 2 and 3, the SFRA outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risk as advised within Section 14 of the NPPF. Given that the proposal is for caravans to be occupied by workers of E M Cole Farms Ltd, it is considered that it would be reasonable to restrict the search for alternative sites to the immediate surrounding area. The applicant has suggested 4 possible alternative sites. Two of these sites are in the same hazard zone and are, therefore, not sequentially preferable. The other two are within a lower hazard zone, however the development of these would have more of an impact on the landscape due to greater visual prominence by virtue of less screening and would result in the loss of currently farmed agricultural land. It is considered that these would, therefore, conflict with wider sustainability objectives.
- 7.15 National Planning Practice Guidance (NPPG) sets out the flood risk vulnerability classification for a variety of uses. Caravans intended for permanent residential use are classed as 'highly vulnerable', whilst short-let caravans are classed as 'more vulnerable'. Given that the applicant's intention is to use the caravans for seasonal workers (thus not being 'permanent' residential accommodation), it is considered that the proposal could fall under the 'more vulnerable' classification. The NPPG states that the Exception Test should be applied to more vulnerable uses proposed within Flood Zone 3a. There are 2 parts to the Test. The first part requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk. The second part requires the proposed development to show that it will

be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

- 7.16 In terms of the first part of the Test, Paragraph 8 of the National Planning Policy Framework (2019) sets out the overarching three sustainable development objectives for planning: economic; social; and environmental. The following has been submitted in support of the application in terms of sustainability benefits that are considered to apply.

Economy:

- At present, agency staff are employed due to a lack of local workers and migrant labour to directly employ. Agency staff is presently transported from Kings Lynn and Wisbech i.e. outside the district. If the installation of the caravans is permitted, the occupants will be using local shops and facilities e.g. for food, clothing, public transport, social venues etc.
- In respect of the applicant's business itself - If the applicant cannot provide accommodation they cannot obtain the migrant labour they need. The applicant has stated that this will definitely jeopardise future growth/expansion and that there is the possibility of the existing business going into recession.

Social:

The applicant has no buildings on the site that are spare or suitable for conversion to residential use. They have looked into purchasing brick and mortar dwellings for use by migrant labour but are aware of the problems that this can incur e.g.:

- Comments from local population that buying properties for migrant workers means there is less housing for locals and the resentment this can cause
- Problems in obtaining use as HMO
- Complaints from neighbours (as highlighted in the local newspapers)
- Security of property when not in use.

Having accommodation on site could be argued to overcome these concerns.

Environmental:

Caravans to be located in farmyard curtilage to minimise impact on the wider landscape. The proposal benefits from existing buildings and landscaping as screening (glasshouses to west, farm buildings, trees and hedging to south, to the east there is a roadside hedge which acts as screening with storage directly behind and to the north there are agricultural fields).

- 7.17 The above points in relation to economic and environmental sustainability are considered to be of merit and, as well as workers using local services and facilities, accommodating workers locally would also equally have environmental benefits by reducing that distance that must be travelled. Furthermore, it is accepted that it would provide benefits in terms of providing accommodation that would meet the needs of future transient farm workers and ensure that existing residential dwellings are retained as such as part of the housing stock. As such, on balance, it is considered that the wider sustainability benefits outweigh flood risk concerns in this instance. Part 1 of the Exception Test is therefore passed.

- 7.18 In terms of the second part of the Test, it is proposed that the caravans would be raised by 1m and be anchored to the ground. The Environment Agency have advised that level for level flood compensation measures would be required as mitigation. However, given the flat topography of the site it is anticipated that this would be difficult to achieve. The caravans would be raised on piers with the remainder underneath as a void meaning that flood water could flow beneath. On balance, this is considered to be acceptable.

7.19 Residential Amenity

- 7.20 There is no evidence to support the assertion that if the proposal were to be approved that there would be an impact upon security and increased noise and disturbance, and the nearest residential property is some 130m away. This is not, therefore, considered to be a reasonable ground for refusal.

7.21 Impact upon Character and Appearance of the Area and Overdevelopment

- 7.22 As previously discussed, it is considered that there is sufficient screening in existence around the site for there not to be a material adverse impact upon the character and appearance of the area.

7.23 The siting of 4 additional caravans on a currently un-utilised parcel of land within the farm site is not considered to be overdevelopment. Furthermore, it is preferable to them being located off-site which could result in the loss of usable high quality agricultural land.

7.24 Highway Safety

7.25 The Highways Authority have not objected to the proposal and, consequently, there is not considered to be a justifiable reason for refusal on highways grounds.

7.26 **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.

7.27 **Conclusion**

7.28 Taking the above into account, it is considered that on balance the proposed development is acceptable. Although the Environment Agency have objected to the proposal in principle, there is considered to be sufficient justification in terms of its sustainability benefits and mitigation measures to allow the caravans to be sited in this location. Concerns surrounding the impact on residential amenity, character and highway safety are noted, however, it is not considered that there is any justifiable reason to refuse the proposed development on any of these grounds. It is considered that a temporary 3 year permission would be appropriate given the temporary nature of static caravans and to enable the Council to review the need for said units in the future.

8.0 RECOMMENDATIONS

8.1 **Authorised to Grant a 3-year Temporary Permission subject to those Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The static caravans hereby permitted shall be removed from the site at or before 3 years from the date of this permission and the site restored to its former condition before that date.

Reason: Permission has been granted on the grounds of an essential agricultural need. A temporary permission enables the Local Planning Authority to review the situation. This condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
3493-1 Rev F

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The static caravans shall only be occupied by seasonal workers employed in horticultural/agricultural operations on land in the control of the applicants. The static caravans shall not be used as the permanent residential accommodation of any individual. The applicant shall maintain occupancy records of the static caravans, which shall be made available for inspection by the Local Planning Authority at any time.

Reason: To prevent the site being used as permanent unrestricted residential accommodation. This condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

4. The floor levels of the static caravans shall be set at 1.0m above existing ground level and the caravans shall be anchored to the ground to prevent them becoming mobile during a flood event.

Reason: To reduce the risk and impact of flooding on the development and future occupants in accordance with advice within Section 14 of the National Planning Policy Framework, 2019.

5. 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, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

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

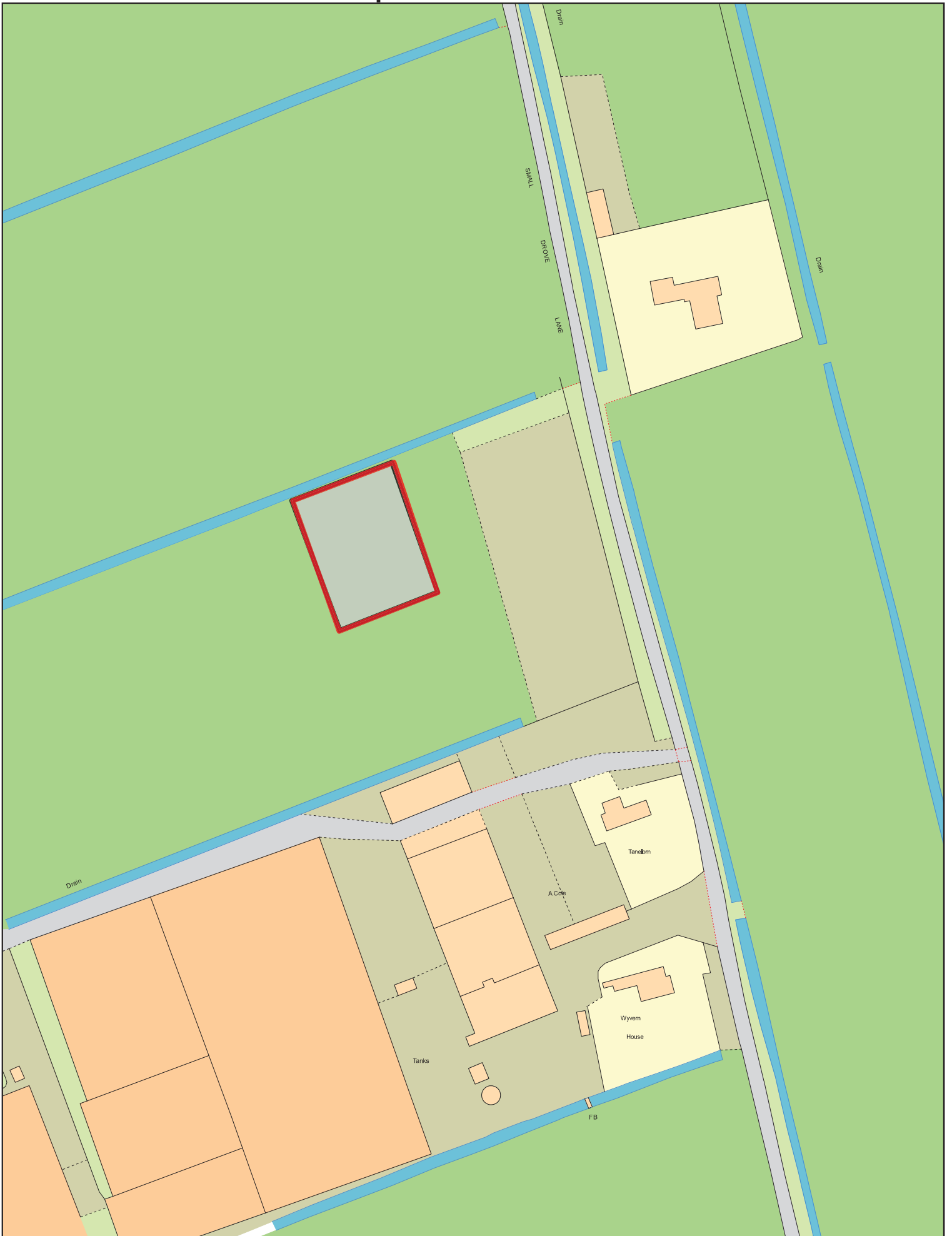
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email: rfdler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A



Agenda Item 7.

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 15 January 2020

(Author: Joan Isus - Planning Officer)

Purpose: To consider Planning Application H23-1012-19

Application Number: H23-1012-19

Date Received: 14 October 2019

Application Type: FULL

Description: Erection of one detached bungalow

Location: Land off Green Bank Whaplode Drove

Applicant: Mr M Coles

Agent:

Mr Basil Samila - Headley
Stokes Associates Ltd

Ward: Whaplode and Holbeach St
Johns

Ward Councillors:

Cllr A C Beal
Cllr P A Redgate

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-1012-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 An objection has been received from a SHDC employee.

2.0 PROPOSAL

2.1 Full planning permission is sought for the erection of a 4 bedroom, detached bungalow.

3.0 SITE DESCRIPTION

3.1 The proposed site fronts onto Green Bank to the west. The site is a smallholding of an approximately 2.69 hectare agricultural field which is under applicant's ownership and currently leased to a farmer. The remainder of the arable land would extend to the north-east, east and south-east from the site.

3.2 The site would constitute an enlargement of a short frontage development comprising detached bungalows within fairly spacious plots. Fairview is the adjacent property to the north. The land immediately to the south would remain vacant forming a gap with Emsted further down the road. The boundary treatment of both adjacent properties to the site obscures views from the ground level onto the site.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 19 - Rural Exception Sites
Policy 28 - The Natural Environment
Policy 31 - Climate Change and Renewable and Low Carbon Energy
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

National Design Guide

5.0 RELEVANT PLANNING HISTORY

5.1 None.

6.0 REPRESENTATIONS

6.1 Whaplode Parish Council

Support. No further comment.

6.2 Ward Councillor

Cllr A Beal - No objection to the concept of a single dwelling.

6.3 LCC Highways/SUDS

No objection subject to conditions, but note only two parking spaces are shown, recommend three spaces for 4 bed dwelling.

6.4 LCC Historic Environment

No archaeological impact.

6.5 SHDC Environmental Protection

No observations.

6.6 Public

Two objections received, points made as follows (summarised):

- The site is outside the confines of the village and so is considered to be located in open countryside.
- The proposal would be contrary to the SELLP.
- The Council has a 5 year land supply and therefore does not need to grant permission for such sites that are contrary to the development framework.
- The site is not an infill plot.
- The design of the proposal is unremarkable and no case for an exception to policy has been made.
- Unclear regarding foul sewage disposal.
- Speed limit on Green Bank should be reduced from 40mph to 30mph.
- Pavement and road should be maintained to a standard in line with the village.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The main issues in this case are:

- Whether the application site would be suitable for a dwelling, having regard to policies for the location of new housing, accessibility to services and facilities and the character and appearance of the area;
- Other material considerations such as amenity, highway safety and flood risk.

7.3 Housing Policy/Sustainability

7.4 According to the Inset Map No. 68 of South East Lincolnshire Local Plan (SELLP), the front half of the site would fall within the settlement boundaries of Whaplode Drove whereas the rear half would remain in land designated as countryside. Having regard to the legibility of the site in relation to the surroundings, the site is considered to be within the boundaries of the settlement.

7.5 Policy 1 of SELLP set out the principles of the spatial strategy for steering new development to the most sustainable locations while protecting the character of the countryside. Whaplode Drove is classified as an Other Service Centres and Settlements within the settlement hierarchy. As such, "within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to committed sites and infill".

7.6 The intended bungalow could entail the arrival of new residents to Whaplode Drove, or encourage existing residents to remain within the village, who would potentially use the services and facilities of the village. There is a footpath connecting the site with the village centre and the distance between both places is easily walkable.

7.7 The proposal would not fully comply with regards to whether the site is committed and the scheme constitutes infill development. As the policy wording indicates, development will normally be limited to the aforementioned criteria. It is interpreted that exceptions might be considered unless material considerations indicate otherwise.

7.8 As of 31 March 2019 the Council can now claim a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6.07 years through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance. There is certainly no longer social need for further housing across the District.

7.9 Notwithstanding this, as mentioned above, the proposal would support the role of Whaplode Drove role as a service centre for the settlement itself and contribute to sustain existing facilities in the village. The cumulative impact of the likely arrival of new residents would not increase the pressure on the facilities and services given the scale of the proposed residential development.

- 7.10 The bungalow would be positioned insofar that the building line along the frontage development would be respected. The site would not extend to the rear further than Fairview, the adjacent property to the north. In doing so, the site layout would be in keeping with the immediate pattern of development and the countryside would not as a result be encroached upon by the development. No material adverse impact therefore would be anticipated upon the character and appearance of the area.
- 7.11 In view of the above, the benefits of permitting the development would demonstrably outweigh any adverse impacts and therefore the principle of development for the intended bungalow on the proposed site would be acceptable.
- 7.12 Other material considerations
- 7.13 Design and layout
- 7.14 A crossover would be created on Green Bank to serve vehicular access to the future residents and visitors to the site. The front drive would be surfaced with permeable gravel. Permeable block paving would be to the rear of property. The rear garden would be spacious and laid to lawn.
- 7.15 Timber boarded fence would bound the site. It would be 1 metre high on the front boundary and 1.8 metre high on the southern and rear boundaries. The neighbouring hedgerow in the adjacent property Fairview would be the boundary treatment of the site to the north. The appearance and height of the means of enclosure would be characteristic of residential development.
- 7.16 The bungalow footprint reveals that the building would have an L shape. At the front part of the bungalow, a hall would serve access to four bedrooms, one of them ensuite, and a bathroom. To the rear, a large combined kitchen and living area. The total internal floor space would amount 118 square metres. The rooms appear to be sufficiently spacious for providing minimum amenity standards to the future occupiers.
- 7.17 The ridge height of the bungalow would be 5.2 metres and the eaves height 2.55 metres. Given the aforementioned footprint and floorspace, the form of development is appropriate in relation to the site area and commensurate with the scale and height with the bungalows on the frontage.
- 7.18 The variety of ages and architectural features provide a non-uniform character to the frontage development. The gable pitches on the roof of the proposed bungalow as well as the intended external materials would not create any detrimental impact to the built environment in the locality by reason of visual amenity and character of the local area.
- 7.19 The design of the proposal would respond to the principles of sustainable development by the incorporation of photovoltaic anti-reflection glazed solar panels on the roof, the installation of a soakaway in the rear garden as well as both ground and air source heat pumps.
- 7.20 Residential amenity
- 7.21 Given that the scale and height of the proposed dwelling would be commensurate with the surrounding bungalows, the separation distances of the proposed dwelling would not compromise the amenity standards of the residents of Fairview to the north in terms of overbearing effect.
- The boundary treatment described above is clearly high to obscure any views from a single-storey dwelling and prevent any overlooking effect to the adjacent land.
- 7.22 Highway safety and car parking provision
- 7.23 The County Highways Authority has raised no objection to the proposed development. It has

been only reminded to design the new vehicular access in accordance with the Highways Act.

7.24 The front drive would incorporate three car parking spaces. The car parking provision would be in accordance with the minimum standards for a 4 bedroom dwelling contained in Policy 36 and Appendix 6 of SELLP.

7.25 Flood risk and drainage

7.26 The site is within Flood Zone 1 according to both the Environment Agency's Flood Map and South East Lincolnshire Strategic Flood Risk Assessment (March 2017). Such area is land having the lowest flood risk so that the erection of the bungalow would not likely exacerbate the impact of flood risk elsewhere and the minimum safety standards would be preserved for the bungalow as well as its future occupiers.

7.27 In any case, the proposed soakaway will represent the use of sustainable drainage systems (SUDS) to collect and infiltrate surface water runoff to the soil. In doing so, the capacity of the main sewers will be unlikely exceeded in case of heavy rainfalls due to the additional bungalow. Fluvial flooding consequently would be likely prevented on the site and its surroundings. There is no evidence of low soil permeability in the area. However, the suitability of the soakaway would be confirmed at a later stage with SHDC Building Control.

7.28 **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.

7.29 Conclusion

7.30 The application site is partially within the Whaplode Drove settlement boundary, although the rear part of footprint of the dwelling and rear garden would be outside. Thus although this does strictly not conform to the provisions of the Local Plan, on balance it is considered the benefits of permitting the development would demonstrably outweigh any adverse impacts and therefore the principle of development for the intended bungalow on the proposed site would be acceptable.

8.0 **RECOMMENDATIONS**

8.1 **Grant permission subject to the conditions set out in Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form;
1773/5/01;
1773/5/02;
1773/5/03;
1773/5/04;

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. 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, and subsequently determining to grant planning permission.

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

6. The permitted development requires the formation of a new vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail developmentmanagement@lincolnshire.gov.uk.

7. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

Background papers:- Planning Application Working File

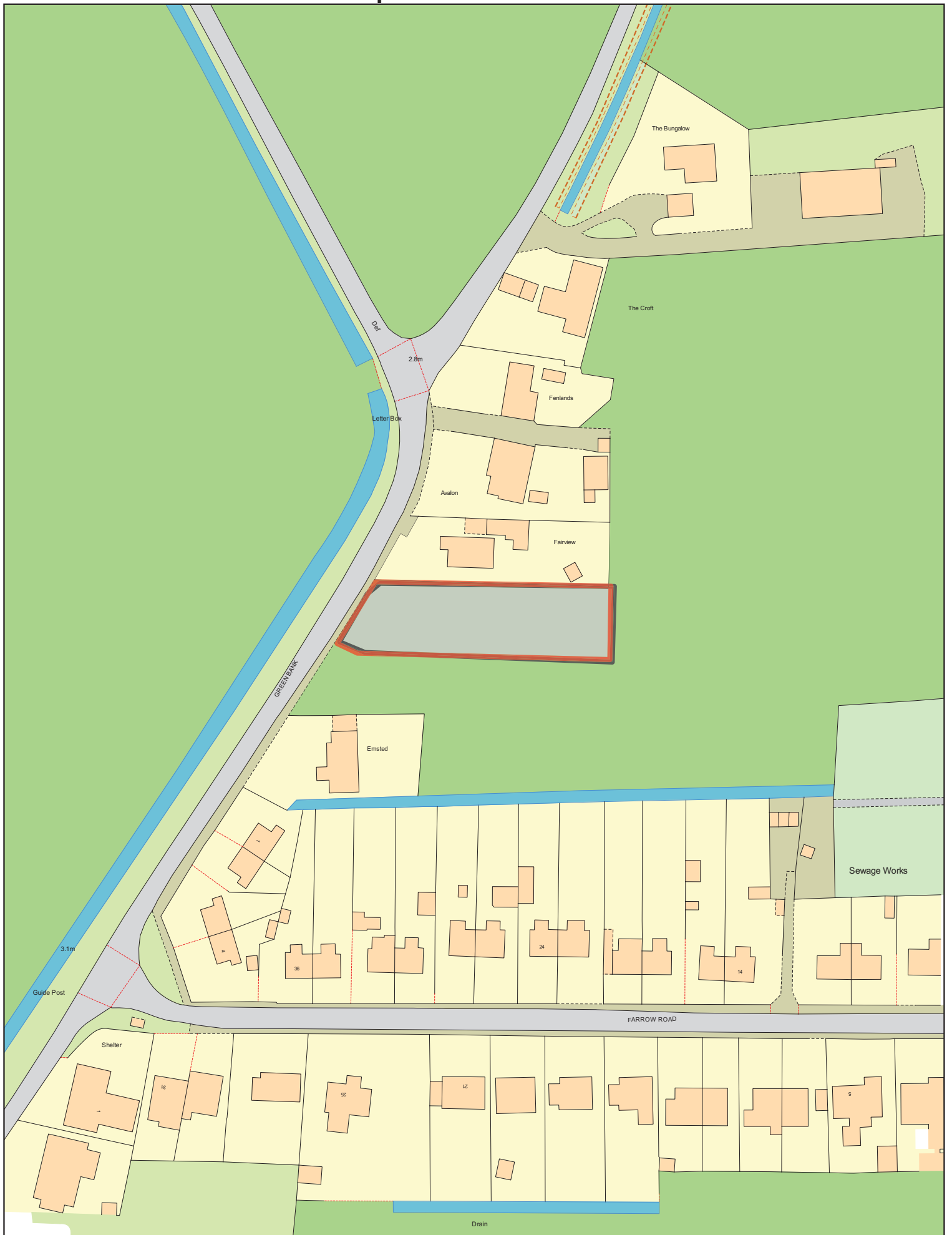
Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email: rfdler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager
To: Planning Committee
Author: Richard Fidler
Subject: Planning Appeals
Purpose: To provide an update on recent Appeal Decisions

Recommendation

a) That the contents of this report be noted

1.0 OVERVIEW

1.1 Since the last report 1 appeal decision(s) have been received, the results are as follows:

Appeals Dismissed:	1
Appeals Allowed:	0
Appeals Part Allowed:	0

1.2 Since the 1st April 2017 107 planning appeal decisions have been received of which 79 have been dismissed, which equates to a success rate of 73.83%

2.0 PLANNING APPEALS DISMISSED

H23-0152-19 Mr S W & Mrs P Hoyes - Dave Gedney

Site Adjacent: The Hollies Millgate	APP/A2525/W/19/3238353
Residential development for two dwellings (re-submission of H23-1074-18)	Decision Date: 19th December 2019
The Inspector identified two main issues in this appeal: conflict with Policy 1 of the SELLP as the site is outside the defined built up area for Whaplode; conflict with Policy 2 of the SELLP as the proposal would damage the character and appearance of this edge of village location. As the development plan (the SELLP) is up to date for the purposes of this appeal The Inspector found that in accordance with paragraph 38(6) of the Planning and Compulsory Purchase Act 2004, in the absence of other material considerations sufficient to outweigh the policies of the development plan, the appeal should be dismissed	

3.0 PLANNING APPEALS ALLOWED

None

4.0 ENFORCEMENT APPEALS DISMISSED

None

5.0 ENFORCEMENT APPEALS UPHELD

None

Background Papers - Planning Application and Enforcement Working Files

Lead Contact Officer

Richard Fidler; Development Manager

01775 764428

rfidler@sholland.gov.uk