SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 8 November 2017

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H23-0826-17

Application Number: H23-0826-17 Date Received: 31 August 2017

Application Type: OUTLINE

Description: Residential development (4 plots)

Location: Land to the South of Drove Road Shepeau Stow

Applicant: Mr Barry Fisher Agent: Ashgrove Associates

Ward: Whaplode and Holbeach St Johns Ward Councillors: Cllr M G Chandler

DO NOT CONSULT

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Issues raised merit Committee consideration

2.0 PROPOSAL

2.1 Outline planning permission is sought for residential development (4 plots). All matters are reserved for subsequent approval.

2.2 The site is outside the settlement limit for Shepeau Stow (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan 2011-2036 (Publication Version March 2017).

3.0 SITE DESCRIPTION

3.1 The site (some 0.25 ha) is currently uncultivated agricultural land on the southern side of Drove Road, Shepeau Stow. A copse is situated to the west and thereafter a cottage. A cluster of dwellings are located to the east, including a number off a private roadway. A residential frontage is situated opposite. Lawson’s Tower Mill (grade ll listed) is located further to the north-west on the opposite side of the Drove Road.

3.2 It should be noted that planning permission has recently been granted for 4 plots on land to the east of Lawson’s Mill (ref. H23-0996-16 and H23-0633-17).

4.0 RELEVANT PLANNING POLICIES

You can view this application on the Council's web site at http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0826-17
The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1 - General Sustainable Development
Policy SG2 - Distribution of Development
Policy SG3 - Settlement Hierarchy
Policy SG4 - Development in the Countryside
Policy SG11 - Sustainable Urban Drainage (SUDS)
Policy SG12 - Sewerage and Development
Policy SG13 - Pollution and Contamination
Policy SG14 - Design and Layout of New Development
Policy SG15 - New Development; Facilities for Road Users, Pedestrians and Cyclists
Policy SG16 - Parking Standards in New Development
Policy SG17 - Protection of Residential Amenity
Policy SG18 - Landscaping of New Development
Policy HS7 -- New Housing in the Open Countryside including Other Rural Settlements

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), March 2012

Paragraphs 7, 8, 14 and 17;
Sections 6, 7, 10, 11 and 12.

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 No relevant planning history.

6.0 REPRESENTATIONS

6.1 Whaplode Parish Council
Support

6.2 Highways/SUDS
Request condition relating to turning facilities within the site.

6.3 Environment Agency
No comments to make on this application.

6.4 South Holland Internal Drainage Board
Do not object in principle subject to the applicant confirming a definitive drainage plan at full planning stage and subject to the Local Lead Flood Authorities consent.

6.5 **SHDC Environmental Protection**

No comments

6.6 **LCC Archaeology**

Recommend conditions

6.7 **Public**

Objections/concerns received from owner/occupiers of Summer-Lea, Pink Cottage, Charleen, Perseverance House, Whynacres, Gremora, Pebble Ash, Glenfield (Rose Lea), Northview and Chirpa (summarised below):
Limited amenities within the village; Harmful to rural character/appearance of the area; Detrimental to highway and pedestrian safety. Traffic very fast along busy B1166 which is dangerous with no footways - additional development will exacerbate the situation and result in accidents/deaths; Loss of "green belt" - not allocated for housing; Reduce visibility for existing residents, including entrance to lane to east; Number of residents near site rely on medical care - should not block access; Overlooking/lack of privacy; Noise/disturbance; Remove open views across fields; End of lane used for collection of refuse; Site lower than the road - prone to flooding; Used by wildlife, including bats; Can bungalow next to private lane be a bungalow; Underground electric cables near site; land ownership issues.

7.0 **MATERIAL CONSIDERATIONS**

7.1 The main issues in this case are:
- Whether the proposal would be a sustainable form of development taking into consideration economic, social and environmental factors, including its effect upon the character and appearance of the locality and the setting of Lawson’s Tower Mill, which is grade II listed;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

7.2 **Principle/Sustainability**

7.3 The proposed development is outside a defined settlement limit within the South Holland Local Plan, 2006. Saved Local Plan Policy HS7 indicates that new housing will only be permitted in such locations where it is proven essential to meet the needs of rural workers, or the proposal is for small scale, rural exception affordable housing.

7.4 Neither of the above is applicable in this case. Consequently, the proposal is in conflict with Policy HS7. However, the Council does not currently have a five-year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework, 2012 states that relevant policies for the supply of housing should not be considered up to date if a local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7.5 Paragraph 49 of the Framework goes on to stress that, in the absence of a five year supply, housing applications should be considered in the context of a presumption in favour of sustainable development. Paragraph 14 also states that there is a presumption in favour of sustainable development and, where the relevant policies are out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. Paragraphs 7 and 8 explain that the three mutually dependent dimensions to sustainable development are social, economic and environmental.

7.6 An Economic Role - the proposal would make a contribution to the local economy, albeit only during the construction stage.
7.7 A Social Role - the site is outside the settlement limit as defined in the South East Lincolnshire Local Plan 2011-2036 (Publication Version - March 2017), which defines Shepeau Stow as an "Other Service Centre and Settlement". However, the emerging Plan currently carried limited weight. The proposal would make a contribution to the supply of housing required to meet the needs of present and future generations. It would be accessible to Shepeau Stow Primary School some 300 metres to the west on the corner of Dowsdale Bank. The nearest bus route (Spalding - Wisbech) is via Whaplode Drove some 450 metres to the east.

7.8 Environmental Role - The easternmost extent of the village is essentially defined by the cluster of dwellings immediately to the east. Although it is located within an open stretch it is nevertheless considered to be within the village fabric. A residential frontage is situated opposite and planning permission has recently been granted for 4 dwellings to the north-west on the opposite side of Drove Road. It is considered that the proposed development could be satisfactorily accommodated without materially harming the character or appearance of the rural locality.

7.9 The proposal is therefore in accordance with Policy SG14 of the South Holland Local Plan, 2006 and advice within paragraph 17 and Section 7 of the National Planning Policy Framework, 2012. Paragraph 58 stresses that development should respond to local character and history and reflect the identity of local surroundings and materials.

7.10 Residential Amenity

7.11 The nearest residential properties are Summer-Lea and Pink Cottage to the east, situated on the other side of a private roadway. Residential properties are situated opposite. It is considered that the site could be satisfactorily developed without materially harming the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, loss of light, overbearing effect, noise and disturbance, etc, subject to appropriate boundary screening. The proposal therefore accords with Policy SG17 of the South Holland Local Plan, 2006, which aims to protect the amenity of nearby residents, both existing and future. Blockage of via and ownership issues are not material planning considerations.

7.12 Highway Safety

7.13 The site is within a 40mph speed restriction but has no frontage footway. However, the County Highways Authority has not objected on highway safety grounds subject to the provision of vehicular turning facilities within the site. It has also recommended that for the convenience of users of the public highway and the safety of users of the dwellings the scheme should include the provision of bin stores located close to the end of the driveways for the benefit of collection purposes.

7.14 Other Material Considerations

7.15 Drainage - Foul drainage would be via septic tanks or private treatment plants if ground conditions were found to be unsuitable. This can be made the subject of a condition.

7.16 The applicant/agent has indicated on this planning application that their proposal for surface water disposal is via soakaways. South Holland Internal Drainage Board has indicated that the land around Shepeau Stow is known to be of relatively heavy clay material. Consequently, sufficient ground percolation tests should be carried out to BRE 365 standards to define if the use of a soakaway system is suitable. If the results prove that the ground is insufficient for soakaways then the applicant will need to confirm an alternative method for the proposed development.

7.17 The Board goes on to stress that if the applicant/agent requires a positive drainage system discharging through private watercourses into the Board's system, as a matter of caution they may want to consider during the design stage that, in the event of a 1:100 year rainfall event plus climate change, the Board's watercourses may be functioning to capacity and further on site storage would be recommended. They would also have to apply to the Board for consent and pay a Surface Water Development Contribution for additional surface water entering the Board's system.
7.18 SHIDB do not object in principle subject to the applicant confirming a definitive drainage plan at full planning stage.

7.19 Flood Risk - The site is within an area of low flood risk as defined within the Environment Agency’s Flood Maps and is identified as "no hazard" with the Strategic Flood Risk Assessment. The Environment Agency raises no comments. It is considered to be a sequentially acceptable site. A finished floor level of 300mm above existing ground level would be appropriate in this case.

7.20 Ecology - The site is currently grassed. However, there is no evidence that the site is being used as a habitat by protected species. There is not sufficient justification to impose an ecology condition therefore.

7.21 Archaeology - The site falls within an area of extensive Roman cropmarks and any development of this site could disturb finds and features relating to this. Therefore given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works.

7.22 Conclusion

7.23 The site is considered to be suitable for housing with particular regards to the principles of sustainable development and the protection of the rural character of the area. Moreover, the site could be developed without materially harming the amenity of nearby residents. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds subject to the provision of vehicular turning facilities. Drainage can be addressed by means of conditions. The site is sequentially acceptable in flood risk terms.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to conditions.

9.0 CONDITIONS

1. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:
   i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
   ii) the means of access to the site;
   iii) the landscaping of the site;
   iv) the means of sewage and surface water disposal;
   v) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
   1:2500 location plan;
   Dwg. no. AA-17-04/A dated October 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.
3. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. 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 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 SG18 of the South Holland Local Plan, 2006.

4. 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, and the details so approved shall be implemented in full before the development is first brought into use.

Note: The landscaping scheme should include native hedge planting along the site’s frontage set back behind the visibility splay.

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 Policy SG14 of the South Holland Local Plan, 2006.

5. Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the dwelling to which it relates is occupied and shall thereafter be retained.

Note: For the convenience of users of the public highway and the safety of the users of the dwellings, the provision of bin stores located close to the end of the driveways would be of benefit for collection purposes.

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 SG13 and SG17 of the South Holland Local Plan, 2006.

6. When application is made for approval of the Reserved Matters, that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety. This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

7. Finished floor levels shall be set 300mm above average ground levels.

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 national guidance contained in Section 10 of the National Planning Policy Framework, 2012.
8. Before the commencement of the development hereby granted beyond oversite, full details of the proposed means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies SG11, SG12 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

9. Before the development is commenced beyond oversite, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

10. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

11. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 10 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

12. A copy of the final report required in connection with Condition 10 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.
13. The development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

Background papers:- Planning Application Working File

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Appendices attached to this report:
Appendix A Plan A