

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0303-22 **Applicant:** Kaplan Property Group

Proposal: Residential Development of 25 Dwellings (Phase 2) - outline approval
H05-0468-18 - with access via Phase 1.

Location: 50 Fleet Road Fleet Spalding

Terminal Date: 24th February 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving Sustainable development;
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 Natural Environment.

Representations:

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

WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	1	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Outline planning permission was granted for 25 dwellings (ref. H05-0468-18) on 1 April 2019. The accompanying S106 obligation dated 28 March 2019 stipulates a minimum 25% affordable housing, details of which shall be submitted in writing to the Council prior to commencement of development. The S106 also includes education (£124,347) and healthcare (£11,100) contributions.

Reserved matters approval is now sought for the erection of 25 dwellings (phase 2) served by a new adoptable road off Fleet Road also serving the previously approved phase 1 (55 dwellings) to the west. The overall housing scheme includes the demolition of a frontage house (no. 50 Fleet Road) to provide vehicular access. The density of phase 2 would be approximately 23 dwellings to the hectare including the areas of public open space within the southern and northern sections of the site.

The proposed housing types would be as follows:
 2 no. x 1 bed 2 person houses (floor area 54.3 sqm)
 10 no. x 2 bed 4 person houses (floor area 69.3 sqm)
 12 no. x 3 bed 5 person houses (floor area 84.6 sqm)
 1 no. x 3 bed 5 person house (floor area 87.6 sqm)

The indicative tenure is outlined below:

Sale
 6 no. 2b4p houses
 13 no. 3b5p houses

Affordable Rent
2 no. 1b2p houses
2 no. 2b4p houses

Shared Ownership
2 no. 2b4p houses

It is understood, however, that the applicant has been in discussions with Platform Housing Group to deliver Phase 2 as 100% affordable, providing the mix as above but with the following tenure change.

Affordable Rent
2 no. 1b2p houses

Shared Ownership
10 no. 2b4p houses
13 no. 3b5p houses

Exact details of affordable housing to be provided on site, including number and tenure, fall outside the remit of this reserved matters application and will be submitted separately prior to commencement of the development under the terms of the S106 planning obligation. The applicant has indicated that whatever details are finally agreed upon, the site, plot and dwelling layout will remain unaltered.

SITE DESCRIPTION

The application site (approximately 1.1ha) is currently grassland located to the rear of residential properties on the southern side of Fleet Road. Dwellings are situated to the north fronting Fleet Road and semi-detached houses off Chapman Mews to the north-west. The site to the west has approval for 55 dwellings. Residential properties are located further to the west off Branches Lane. Open land is situated to the east.

RELEVANT PLANNING POLICIES

The Development Plan

South East Lincolnshire Local Plan (2011-2036)

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 6 - Developer Contributions;
Policy 10 - Meeting Assessed Housing Requirements;
Policy 11 - Distribution of New Housing;
Policy 17 - Providing a Mix of Housing;
Policy 18 - Affordable Housing;
Policy 19 - Rural Exception Sites;
Policy 28 - The Natural Environment;
Policy 30 - Pollution;
Policy 36 - Vehicle and Cycle Parking.

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving Sustainable development;
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 Natural Environment.

RELEVANT PLANNING HISTORY

H05-1183-16 - O/A - Residential development - 55 dwellings including demolition of existing house - Granted 25 January 2018 subject to S106 Agreement dated 15 January 2018 securing the provision of affordable housing at 33.3% and NHS/Education contributions.

H05-0468-18 - O/A - Residential development (Phase 2) - 25 dwellings (access via Phase 1 approved by virtue of planning permission ref. H05-1183-16) - Granted 1 April 2019 subject to a S106 planning obligation relating to 25% affordable housing and NHS/Education contributions.

H05-0670-20 - RM - 55 dwellings (outline approval H05-1183-16) - Approved 11 October 2021.

H05-1168-21 - Cond Comp - Details of boundary screening, roads & footways, surface water drainage, foul water disposal, construction management plan, plan illustrating areas of publicly accessible open space, landscape management & maintenance schedule, means & storage of refuse & recycling and scheme to deal with contamination & pollution (Conditions 5, 6, 9, 10, 11, 12, 15, 16 & 18 of H05-1183-16) - Approved March 2022.

H05-1209-21 - Cond Comp - Details relating to estate road & associated footways & finished surface levels, management plan for open spaces & outdoor play areas and protected species survey (Conditions 8, 14 & 19 of H05-1183-16) - Approved 28 February 2022.

H05-0066-22 - Modification of 106 Agreement to update clause 8.10 (mortgagee in possession to bring into line with current policy) - relating to planning approval H05-1183-16 - Approved 27 June 2022.

H05-0204-22 - S73 - Residential Development (55 dwellings including demolition of existing house) approved under H05-1183-16. Modification of Conditions 7 & 8 relating to highway & footpath details - Granted 30 June 2022

H05-0439-22 - NMA - Residential Development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Amendments to swale design and landscaping - Approved 12 May 2022

H05-0446-22 - S73 - Residential development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Modification of Condition 1 to allow amendments to previously approved plans - Granted 25 July 2022

H05-0770-22 - S73 - Residential Development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Modification of Condition 1 to allow amendments to previously approved plans - Approved 2 November 2022

REPRESENTATIONS

Fleet Parish Council

The original application for the site (Phase 1) was for 55 chalets and bungalows which was subsequently altered and passed by the District with an additional application for 25 bungalows Phase 2 again, this was provisionally passed by District Planning.

This detailed Phase 2 application now submitted is materially different to the original with emphasis on affordable properties which are not in keeping with properties within the locality. Although provisional planning permission has been granted Fleet Parish Council object to the current application for the following additional reasons. It is materially different to what was passed at outline. There is deep concern regarding traffic generation, noise and disturbance resulting from the development. Only one entry and egress to Fleet Road will result in traffic issues due to the increase in cars envisaged to the change of build plan and the resulting overloading on amenities which are already stretched.

This development does not meet with the requirements as outlined in the Local Plan adopted to the basic planning policies both at local and regional levels.

LCC Highways/SUDS

Does not wish to restrict the grant of permission, subject to informatives.

South Holland Internal Drainage Board

The applicant proposes to discharge surface water to the Board Maintained watercourse K04 Devils Hill (DRN201G0407) watercourse at a rate of 2 l/s. I am pleased to see that the applicant has aimed to reduce the discharge to greenfield rate. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

Note that the applicant has now included a filter drain along the northern boundary of the site to prevent overland flows entering third party land. This will also require Land Drainage Consent in line with the Board's byelaws (specifically byelaw 3).

Pleased to see that following our letter dated 12/04/2022 that the applicant has now included a 3 m wide strip next to the riparian watercourse (as shown in drawing number 5366/KP/22/003 P8), allowing future maintenance works to be carried out without obstruction.

Note the presence of a Board Maintained watercourse K04 Devils Hill (DRN201G0407) adjacent to the southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Note that the applicant intends to install the onsite drainage outfall pipe within 9 metres of the aforementioned Board Maintained watercourse. To enable this proposal, consent would be required under Byelaw 10.

The Board strongly recommends that Land Drainage Consent is sought from the Board prior to determination of this planning application.

Housing Strategy

Accept the affordable housing provision; namely,

4 Affordable rented homes

2 x 1 bed houses

2 x 2 bed houses

2 Intermediate homes - shared ownership

2 x 2 bed houses

Environmental Protection

Contamination - No comments or objections, but note that condition 17 (contamination) of H05-0468-18 remains outstanding.

Noise - Request a construction management plan.

Anglian Water

We have reviewed the applicant's submitted foul drainage strategy and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge conditions of the outline planning application, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

We have reviewed the applicant's submitted surface water drainage information in the Drainage Strategy and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset.

Environment Agency

No further comments to make in respect of the proposed development. Please ensure our conditions on the outline permission are retained if they apply to the reserved matters.

Lincolnshire Archaeology

No observations.

Lincolnshire Property Strategy

As a reserved matters application, all education mitigation should have been resolved at the outline stage; consequently, LCC has no comments in relation to education.

Public

Objections/concerns from nearby residents (summarised):

Outside settlement boundary; Loss of greenfield site; Services and infrastructure inadequate; Overdevelopment; Phase 2 unnecessary and manipulation of planning system; Affordable housing out of keeping with area; Cramped two storey houses out of character; Poor quality houses; Noise and disturbance; overlooking/lack of privacy; Loss of light; Health issues; Possible anti-social behaviour; Loss of views; Extra traffic; Road and junction unsuitable for additional traffic; Blind bend; Detrimental to highway safety; Insufficient parking on site; Should be 30mph speed limit; Present sewerage system inadequate and struggles to cope with existing flow; Water supply inadequate - recent burst; drainage strategy recognises that infiltration insufficient to prevent surface water run-off onto neighbouring land; Problems of flooding; Part of education contribution should go to Fleet Wood Lane Primary School and not the William Stukeley Primary School in Holbeach because the site is within Fleet; No thought for environment; Loss of wildlife habitat; Currently major disturbance with building work associated with Phase 1; No renewable energy features; Devaluation of property.

Information from Applicant Regarding Affordable Housing Provision

Please see below proposed mix and indicative tenure. The on-site affordable housing provision has been agreed with Housing Strategy:

Sale

6 no. 2b4p houses

13 no. 3b5p houses

Affordable Rent

2 no. 1b2p houses

2 no. 2b4p houses

Shared Ownership

2 no. 2b4p houses

We have been in discussion with Platform Housing Group to deliver Phase 2 as 100% affordable, providing the mix as above but with the following tenure change:

Affordable Rent

2 no. 1b2p houses

Shared Ownership

10 no. 2b4p houses

13 no. 3b5p houses

The potential affordable-led mix could see delivery of a mix and tenure complementary to Phase 1, with predominantly Shared Ownership homes and two homes for Affordable Rent. The potential affordable-led mix and tenure have been agreed with SHDC and reflect the preferred mix and tenure taking account of the Phase 1 provision.

At this stage, discussions are ongoing and we are unable to commit to delivering the potential 100% affordable-led mix, but report such discussions for good order and outside matters to be dealt with by approval of Reserved Matters.

MATERIAL CONSIDERATIONS

The principle of residential development (25 dwellings) on the site has been established by virtue of the outline planning permission (ref: H05-0468-18). This application is therefore to assess the reserved matters, namely:

- i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
- ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
- iii) the siting and design of any vehicular access to a highway or estate road;
- iv) details of landscaping and tree planting.
- v) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

It should be noted that a separate condition compliance application will need to be submitted to discharge other matters that are not reserved such as surface water run-off, foul drainage, construction management, details of refuse storage, contamination, ecology, details of provision and management of public open space/play area, etc.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The development consists of 25 properties served off an adoptable road layout with vehicular access off Fleet Road. Areas of open space are provided within the northern and southern parts of the site to help maintain a degree of separation from neighbouring properties. The former includes tree planting. It is understood that the amenity areas would be maintained by a private maintenance company, although a separate condition compliance application would need to be submitted to formally agree the details. An equipped childrens play area is to be provided within phase 1.

The proposed scheme includes a mixture of dwelling types, including 1, 2 and 3 bed accommodation. It incorporates 4 no. dwelling types across the layout. The properties would be constructed in Grampian Red Mixture brickwork with Marley Duo Edgemere concrete interlocking slates (Anthracite) on the roofs and white uPVC windows.

There is a general mix of residential properties along Fleet Road and the general locality. The site is set back and is concealed to some degree by existing frontage development and/or planting when viewed from Fleet Road and Branches Lane further to the west. Parts of the development are not dissimilar in design to the semi-detached houses off Chapman Mews to the north-west. The estate would be relatively spacious by modern standards and tree planting is proposed. It is considered that it would sit satisfactorily within the landscape on the rural fringe of the settlement and would not materially harm the character/appearance of the street scene or rural locality. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on visual amenity grounds.

In terms of topography, the existing ground levels on the site generally vary between 3.2m (northern boundary) and 2.7m aOD approximately and the ground generally falls gradually from north to south.

The dwellings on plots 1-4 are set well back (approx. 49m) from the northern boundary. The road level at this point would be in the region of 4-4.2m aOD and finished floor levels of plots 1-4 set between 3.9 and 4.1m aOD. The closest dwelling to the northern boundary is a 3 bed semi-detached house on plot 25 (FFL 4.20m aOD) which is some 22 metres from the boundary with a bathroom window on its northern elevation at first floor level. Two metre fencing is proposed along the northern boundary which is considered satisfactory given the separation distances involved and

the depth of neighbouring gardens. The scheme includes a filter drain along the northern boundary.

It is considered that the proposal 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 the proposed boundary fencing. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds, subject to the aforementioned.

In terms of highway considerations, Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The principle of 25 dwellings upon this site has already been established by virtue of the outline planning permission (ref. H05-0468-18). The road would be constructed to adoptable standards. Parking facilities have been provided within each plot in accordance with the requirements of Appendix 6. LCC Highways has been consulted and raises no objections. The proposal therefore satisfactorily accords with Policies 2, 3 and 36 on highway safety/parking grounds.

Concerns have been raised by local residents on flood risk/drainage grounds. The former was addressed at the outline stage. Essentially, the site is predominantly within Flood Zone 3 of the Environment Agency's flood zone maps. However, the majority of Holbeach, other than the town centre, is also within Zone 3. Moreover, it is mainly within an area of low hazard, although a southern section is designated as danger for some. This is a less severe category and there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

In terms of the exceptions test, the Environment Agency previously recommended at the outline stage that finished floor levels be set at least 500mm above existing ground level. This was the subject of a condition.

Foul water would be disposed of to an existing mains sewer located within Fleet Road to the north. The site is in the catchment area of Sutton Bridge Water Recycling Centre, which has available capacity for these flows. Anglian Water have indicated that the impacts on the public foul sewerage network are acceptable. They have a statutory duty under the Water Industry Act to provide, improve and maintain/clean sewers. A separate condition compliance application needs to be submitted to formally discharge these details.

A SuDS scheme would be utilised to dispose of surface water in accordance with Government advice relating to a development of this scale. Drainage would be conveyed through a series of above ground filter drains and swales. The latter offer treatment and storage at the source before being conveyed to an attenuation basin designed with a minimum free board of 300mm. The outfall would be into the existing IDB regulated ditch to the southern perimeter of the site to cater for storm events. The swales and filter drains would be maintained by a combination of LCC and Anglian Water. Much of the remaining drainage would be maintained by a private maintenance company upon completion of the development. A separate condition compliance application needs to be submitted to formally discharge these details.

As part of the drainage strategy there is a requirement to raise levels within the site. To mitigate the raising of these levels, and prevent runoff draining towards existing properties, a shallow filter drain is proposed to the northern site boundary to capture exceedance flows and direct them towards the proposed attenuation basin.

Resident concerns

Matters such as the principle of residential development, infrastructure, loss of agricultural land, highway safety and the number of plots have already been agreed by virtue of the outline permission. Issues such as affordable housing, character, density, amenity, parking arrangements and drainage have been addressed within this report. Ecology is addressed by virtue of a separate condition on the outline planning permission, which requires an ecological survey and will be the subject of a separate condition compliance application. Possible noise and disturbance during the construction phase can be addressed through the construction management plan, details of which are yet to be approved. Loss of outlook and devaluation of property are not material planning

considerations and therefore carry no weight.

Planning Balance

This application is for the approval of "reserved matters". The principle of 25 dwellings has already been established by virtue of the outline planning permission (ref. H05-0468-18). The scheme includes affordable housing as required by the S106 planning obligation. However, the exact details are yet to be agreed and will be dealt with under the terms of the S106. The proposal is considered acceptable in terms of layout, type and design of dwellings. It would not materially harm the character/appearance of the locality or amenity of neighbouring residents. Access arrangements are acceptable and the scheme includes satisfactory on-site parking arrangements. Some drainage details have been provided. However, a separate condition compliance application needs to be submitted to discharge this matter.

The proposal therefore satisfactorily complies with the reserved matters and is in accordance with Policies 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019, amongst others. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above.

CONCLUSION

The planning balance lies in favour of the proposal for the reasons outlined above.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

That the application be approved under delegated powers.