DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H05-0318-22**	**Applicant:**	**Oakwood Homes Ltd.**
Proposal:	Erection of 8 dwellings including upgraded site entrance and roadway, car parking, bin storage and fencing & landscaping		
Location:	37 Fleet Road Fleet Spalding		
Terminal Date:	19th June 2022		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	1	0	0	1
RESIDENTS	9	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application on land to the rear of 37 Fleet Road, Fleet for the erection of 8 dwellings including an upgraded site entrance and roadway, car parking, bin storage and fencing & landscaping. The proposal seeks to provide 2 semi-detached properties, 3 terraced properties and 3 detached properties. Finished floor levels of the property will be set at 300mm above ground level. Each property has a minimum of two off road parking spaces with car parking for 37 Fleet Road provided in the rear garden and a bin collection point in the front garden. No information has been provided as to the collection point dimensions and design, however it doesn't differ in location to that of the application allowed on appeal under reference H05-0326-20. The rear northern and side western boundary of 37 Fleet Road is to have a 1.8 metre high fence. The western side of the side adjacent to the industrial premises will be bordered by a 2 metre high boundary fence.

A hedge within the ownership of 35 Fleet Road to the front of their property is proposed to be trimmed to aide the visibility splay from exiting the site. No proof of a contract or arrangement for consent with the owner of 35 Fleet Road has been provided in the submitted information.

The site benefits from an extant permission for 6 dwellings allowed on appeal under reference H05-0326-20. It also benefits from an extent permission for a single dwelling approved under reference H05-0668-20.

SITE DESCRIPTION

The application site is is within defined settlement limits and is long and narrow. It is mostly vacant with shrubs and a few small greenhouses and outbuildings for storage that have fallen into disrepair. Two pairs of semi-detached houses and two further detached dwellings form the frontage onto Fleet Road. The access to the site would lead between No's. 35 and 37.

Immediately to the west there is an industrial site managed by JML Henderson Ltd. This forms part of Fleet Road Industrial Estate which is classified as an Established Employment Site by Policy 7 of the SELLP. To the east, there is residential development on Grimwood Close comprising 19 houses which have been built under reference H05-0519-16. A 2 metre high timber closeboard fence bounds the site on the eastern boundary and beyond there are the rear gardens of No's. 1 to 17 Grimwood Close.

The site is in Environment Agency Flood Zone 3, and in a "Low Hazard" area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H05-1160-16

Outline - Residential development - proposed house - Refused - 20 December 2016 - Allowed on appeal - 06 October 2017.

H05-0572-19

Full - Erection of 3 pairs of semi detached 3 bed dwellings and 1 detached 3 bed dwelling along with up-graded site entrance and roadway - Refused - 23 January 2020.

H05-0326-20

Full - Erection of 3 pairs of semi detached 3 bed dwellings along with up graded site entrance and road way, car parking and bin storage - re-submission of H05-0572-19 - Refused - 10 July 2020 - Allowed on appeal - 27 May 2021.

H05-0668-20

Reserved Matters - Erection of house - outline approval H05-1160-16 (allowed on appeal) - Approved - 17 December 2020

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer - No objections

Requests construction management plan condition, as well as new access, private road, engineering standard and utility informatives.

SHDC - Environmental Protection Officer

"I remain concerned about the potential impact from noise from the industrial estate on the proposed properties. Increasing the number of properties increases the number of potential receptors."

Lincolnshire Fire and Rescue

"The applicant has submitted an amended road layout drawing in response to the matters raised in my letter of 7 April 2022. In revised form, the meandering access road only partially addresses concerns raised about inadequate access for a fire appliance and is not fully compliant with the Building regulations 2010 Part B5. On the basis of the amendments made, the objection from Fire and Rescue is removed with the following observations:- The access road does not provide a direct and unhindered access route or turning provision to Plot Numbers 6, 7 and 8 in particular. The design layout is not ideal and deemed to be borderline but workable in the event of an emergency. Lincolnshire Fire and Rescue will require that the access road surface construction is of minimum carrying capacity for a pumping appliance of 18 tonnes and not 12.5 tonnes as detailed in the Building Regulations 2010 part B5."

South Holland Internal Drainage Board

Provides requests for surface and foul water drainage information prior to commencement of any works.

Fleet Parish Council - Objection

"Looking through the history of the application it was refused by District Planning but subsequently on appeal granted permission and this for 3 pairs of semi detached dwellings only. This new application differs significantly to what was granted as this application is for 8 dwellings a material change which it is believed essentially makes it a new planning application and therefore subject to the original objection by both parish and district. In the paperwork for this application more confusion arises in that the proposed developer speaks of 7 dwellings! This confusion makes for a material planning consideration and therefore FPC objects to the application. Added to this if allowed there will be more added traffic to an already busy Fleet Road with only one access and egress to the site. Issues with loading and turning and subsequent resulting highway safety. Noise and disturbance issues from road access and the impact on local amenities."

Sir John Hayes MP - Objection

Cumulative impact from development.
Impact from collection point.

Loss of amenity for neighbouring properties.
Lack of surface water details.

Members of the public - 9 objections

"Too many rabbit hatches 5 houses max"
Overdevelopment
Overshadowing
Overlooking
Increase in noise / disturbance
Increase in traffic
Highway safety
Poor accessibility for emergency vehicles
Refuse point will increase the existing rat population on site
Loss of wildlife
Loss of view
Impact on adjacent industrial estate with complaints from proposed properties.
Strain on local services and no Section 106 money.
Disturbance during construction
Concerns regarding fire safety
Lack of parking provision
Lack of foul water drainage
Impact on home insurance premiums

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centres. This section of the policy states:

"Within the settlement boundaries of the Main Service Centres (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."

When assessed against the above criteria the following can be observed:

The proposal would help support the role of Holbeach as a service centre and sustain existing facilities. The principle of development is considered to be acceptable.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be substandard with regard to the amenity of the occupants of the site. A small number of trees will be removed to facilitate this proposal. The character and appearance of the of site appears overdeveloped and cramped, and is not in keeping with the predominately linear residential development of the surrounding area.

2. The design is functional, devoid of a continuous form. The orientation of the buildings is to minimise overlooking and overshadowing impacts on neighbouring dwellings.

3. The proposed materials of construction would be addressed by condition.

4. The access is considered to be narrow and does not allow for the easy manoeuvrability of large vehicles such as fire engines. However, the County Highways Officer has no objections to the proposal and Lincolnshire Fire & Rescue has stated "The design layout is not ideal and deemed to be borderline but workable in the event of an emergency." Each dwelling has the minimum amount of off road parking provision under Appendix 6 of the SELLP for three bedroom and four bedroom dwellings. However, given the cramped nature of the site and access road, there is nowhere on site to safely park for visiting vehicles.

5. The capacity of existing community services and infrastructure is not materially impacted by this proposal. The number of dwellings proposed is not high enough for Section 106 payments to be triggered.

6. There is not considered to be a noise, odour, or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The character and appearance of the of site appears overdeveloped and cramped, and is not in keeping with the predominately linear residential development of the surrounding area. There are also concerns with regard to additional parking and manoeuvrability.

Overshadowing - The right to light lines are drawn there is not considered to be a material loss of light to adjacent dwellings within the site, nor on nearby dwellings beyond the site boundary.

Overlooking - Due to the fenestration orientation and boundary treatment here is not considered to be a material overlooking impact between dwellings on site, nor to dwellings beyond the site.

7. The site is in Environment Agency Flood Zone 3, and in a "Low Hazard" area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels of the property will be set at 300mm above ground level.

Due to highway safety, overdevelopment and occupant amenity concerns this application is considered to not accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be substandard with regard to the amenity of the occupants of the site. A small number of trees will be removed to facilitate this proposal. The character and appearance of the of site appears overdeveloped and cramped, and is not in keeping with the predominately linear residential development of the surrounding area. As a consequence a sense of place is considered to be materially impacted by this proposal.

2. Due to the open nature of the parking bays and the lack of non-designated parking, distinguishing between public and private space is considered to be difficult. Additionally by placing the refuse collection point in a residential garden forward of the front window of 37 Fleet Road there will be incidences of persons and refuse within the garden area of the property.

5. There is considered to be an acceptable level of space for bin and cycle storage on the plots. The access is considered to be narrow and does not allow for the easy manoeuvrability of large vehicles such as fire engines. However, the County Highways Officer has no objections to the proposal and Lincolnshire Fire & Rescue has stated "The design layout is not ideal and deemed to be borderline but workable in the event of an emergency." Each dwelling has the minimum amount of off road parking provision under Appendix 6 of the SELLP for three bedroom and four bedroom dwellings. However, given the cramped nature of the site and access road, there is nowhere on site to safely park for visiting vehicles.

11. There is not considered to be a noise, odour, or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The character and appearance of the of site appears overdeveloped and cramped, and is not in keeping with the predominately linear residential development of the surrounding area. There are also concerns with regard to additional parking and manoeuvrability.

Overshadowing - The right to light lines are drawn there is not considered to be a material loss of light to adjacent dwellings within the site, nor on nearby dwellings beyond the site boundary.

Overlooking - Due to the fenestration orientation and boundary treatment here is not considered to be a material overlooking impact between dwellings on site, nor to dwellings beyond the site.

12. The site is in Environment Agency Flood Zone 3, and in a "Low Hazard" area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels of the property will be set at 300mm above ground level.

Due to public / private land differentiation, highway safety, overdevelopment and occupant amenity concerns this application is considered to not accord with SELLP Policy 3.

Insufficient internal floorspace

The document "Technical housing standards - nationally described space standard" was produced by the Department for Communities and Local Government on March 2015 (DCLG). The local development framework has not echoed the national minimum floor space standards with the exception of Policy 21: Houses in Multiple Occupation and the Sub-Division of Dwellings of SELLP which clearly does not apply in this case. Therefore, this application cannot be determined on the basis of such national standards although they do provide some useful guidance to assess whether the proposal is or is not appropriate in this respect.

The proposed floor plans of Plots 1 and 2 show on bedroom which has a overall floorspace of 5.99 sq metres. Plots 3, 4 and 5 each have a bedroom which measures 5.66 square metres. Plot 8 has a bedroom that measures 6.68 sq metres.

These dimensions would be far distant from the minimum required for single bedrooms, which is 7.5 sq metres. For these reasons, the gross internal floor area would be insufficient to ensure good amenity standards to the future occupiers.

Paragraph 130 criterion F of NPPF establishes that planning policies and decisions should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users" It is not considered that the proposed succeeds in this regard.

Proximity to industry

An objection was raised on the previous application H05-0572-19 from the adjacent business JML Henderson who raised concerns about the impact that their operations could have on future occupiers in terms of noise and light pollution and the potential for complaints from residents. Typical working hours on the premises are 5am - 7pm. From 7am-7pm forklifts, lorries and machinery operate within the site.

South Holland District Council's Environmental Protection Officer remains concerned about the potential impact of noise from the neighbouring commercial premises upon the future occupiers of the proposed dwellings. *"I remain concerned about the potential impact from noise from the industrial estate on the proposed properties. Increasing the number of properties increases the number of potential receptors."*

Furthermore, Paragraph 187 of NPPF states that "existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established". It also states that "where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed". It is considered that the proximity of the commercial premises to the application site could result in complaints being made regarding the business' activities from future occupiers, which could result in restrictions being placed on that business. It is noted that a 2 metre high acoustic fence is to be sited along the western boundary but this is not considered adequate enough provision to satisfactorily remove noise and disturbance from the business which is located only 7.6 metres from the boundary to the east and 4 metres from the boundary to the north.

The existing business adjacent will be an unsuitable neighbour for residential properties contrary to Paragraph 187 of the NPPF and the proposals will fail to ensure good standards of amenity by reason of noise and disturbance as required by Policy 2, 3 and 30 of SELLP.

Policies 2 and 3 of SELLP include residential amenity as one of the key factors of sustainable development and good design. Policy 30 of SELLP states that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the amenities of the area by way of noise including vibration, among other factors.

Flood Risk

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 area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

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. As such, the document 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 risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within a 'low hazard' zone, with predicted flood depths of up to 0.25 metres.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Holbeach. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 300mm above ground level. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In the absence of a drainage strategy for the residential scheme, the County Lead Local Flood Authority has requested a planning condition to secure the submission of details on drainage for subsequent approval prior to the commencement of works.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan solely with regard to their provisions on flood risk and drainage.

PLANNING BALANCE

Paragraph 130 of NPPF 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; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The principle of residential development in this location, highway safety and parking provision, and

flood risk and drainage are deemed acceptable. However, the proposal fails to secure minimum amenity standards for the future dwelling occupiers by virtue of noise and disturbance from the adjacent industrial site, as well as insufficient gross internal floorspace.

For the reasons outlined above, the proposal is considered to be in conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for refusal.

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.