

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0446-22 **Applicant:** GEDA Construction

Proposal: 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.

Location: Fleet Road Holbeach Spalding

Terminal Date: 28th July 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

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving Sustainable development
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	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission and reserved matters approval for 55 dwellings including demolition of the existing dwelling (ref. H05-1183-16 and H05-0670-20). A S73 application has subsequently been approved to modify Conditions 7 & 8 relating to highway & footpath details (ref. H05-0204-22).

This application is for amendments to the scheme as indicated below:

- The eaves detail has been amended from rise & fall gutters to soffit and fascia, first floor windows have been reduced in height by 75mm to allow for an additional brick above the window (for ease of construction).
- BT7 (Plots 31 & 32) has changed footprint slightly.
- Landscaping has been amended in line with Housing Association comments & in line with the amendments to the swale (amendments to swale indicated on these drawings but to be considered under separate NMA application). Swale has been changed following comments from Anglian Water.
- Road has been altered slightly following comments from Highways.
- Drainage updated to suit new swale design (considered under separate application).

Site Description

The application site (approximately 3.6ha) 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, including semi-detached houses off Chapman Mews. Land to the east is the subject of outline planning permission ref. H05-0468-18 (phase 2). Residential properties are located to the west off Branches Lane.

Relevant Planning History

H05-1183-16 - O/A - Residential development - 55 dwellings including demolition of existing house - Granted 25 January 2018 subject to S106 planning agreement dated 15 January 2018.

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 agreement.

H05-0670-20 - RM - Residential Development - 55 dwellings including demolition of existing house - 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 1 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 - Modified Agreement - Modification of 106 Agreement to update clause 8.10 (mortgagee in possession to bring in to 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.

H05-0303-22 - RM - Residential Development of 25 Dwellings (Phase 2) outline approval H05-

0468-18 (with access via Phase 1 approved by virtue of planning permission H05-1183-16) - Under consideration.

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

Consultation Responses

Fleet Parish Council

No response

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

Consent required under Section 23 of the Land Drainage Act 1991 (and byelaw 4) to infill the drain running through the site. Aware of issues concerning the existing storm water running through the site, which is connected to the wider network at the site frontage. Recommend it is not removed if it is being actively used. Awaiting further information before we can proceed with their application under Section 23 of the Land Drainage Act, 1991.

Note that the applicant intends to discharge surface water to the Board Maintained watercourse K04 Devils Hill (DRN201G0407). The proposed development will require Land Drainage Consent in line with the Board's byelaws (specifically byelaw 3).

Note the presence of the Board Maintained watercourse K04 Devils Hill (DRN201G0407) adjacent to the site boundary, and that the applicant intends to do works within 9 metres of this watercourse. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

Environment Agency

No comments.

Planning Considerations

The principle of residential development (55 dwellings) on the site has been established. This application is for minor revisions to the scheme as earlier within the report.

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 sustainable development considerations are met. They also seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They also set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions.

Policy 4 of the SELLP indicates that development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists.

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 proposed design revisions are minor and would not affect the overall character or appearance of the development or general locality. Nor would they harm the amenity of neighbouring residents,

including the alterations to the bungalows on plots 3, 4, 7, 8, 31 and 32.

Concerning the disposal of surface water, a SUDs scheme is to be utilised and the drainage scheme has been amended to reflect the alterations to the swales recommended by Anglian Water, which have previously been approved as a non-material amendment. The consequent revisions to the landscaping scheme are acceptable.

Issues have been raised by the South Holland Internal Drainage Board relating to the infilling of a ditch and an existing storm sewer running through the site. These matters will require separate consent from the Board under Section 23 of the Land Drainage Act 1991 and their relevant byelaws.

Lincolnshire County Council Highways have been consulted and raise no objections to the scheme given that no significant alterations are proposed to the estate roads themselves.

Planning Balance

The proposed modifications are considered acceptable and would not have an unacceptable impact upon the character or appearance of the locality, the amenity of neighbouring residents, highway safety, drainage, flood risk, etc. The proposal therefore satisfactorily complies with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

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.

Conclusion

For the reasons outlined above it is recommended that the application be approved under delegated powers.