DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0572-19**	**Applicant:**	**Gem-mix Holdings Ltd**
Proposal:	Erection of 3 pairs of semi detached 3 bed dwellings and 1 detached 3 bed dwelling along with up-graded site entrance and roadway		
Location:	37 Fleet Road Fleet Spalding		
Terminal Date:	1st January 2020		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development
Section 5. Delivering a sufficient supply of homes
Section 11. Making effective use of land
Section 12. Achieving well-designed places
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN,	0	0	0	1

HISTORIC ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	5	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks full planning permission for residential development comprising of three pairs of semi-detached (3-bed) and one detached (4-bed) dwelling along with up-graded site entrance and roadway on land north of 37 Fleet Road, Fleet, Spalding.

Site Description

The site is at the eastern part of the built-up area of Holbeach as shown on Inset Map 5 of the South East Lincolnshire Local Plan (SELLP), 2019. The site is mostly vacant with scrubs and a few small greenhouses and outbuildings for storage that fell in disrepair.

Two pairs of semi-detached houses and two further detached dwellings form the frontage onto Fleet Road. The access to the site would extend through No's. 35 and 37. The application site is long and narrow. It is currently vacant and untidy. 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 a residential development comprising 19 houses which have been fairly recently built after obtaining permission (H05-0519-16).

History

H05-1160-16 - Residential development - Proposed house - Allowed at appeal.

Consultation Responses

Members of public

Five public objections have been received raising the following concerns:

- Existing vehicular traffic in Fleet Road travels at high speed, the development would entail additional cars that would undermine highway safety, inadequate areas for parking, loading and/or turning.
- Loss of privacy due to views from windows overlooking to rear gardens of adjacent houses.
- Overshadowing effect.
- Overdevelopment of the site.
- Loss of trees and wildlife.
- Loss of open amenity space.

- Further demand on facilities and amenities in Holbeach.
- Drainage.
- Fall in value of adjacent properties.

An objection has also been received from the adjacent business which raises 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.

SHDC Environmental Protection

"The methodology used in the acoustic assessment carried out by Acoustic Associates seems appropriate.

Section 3 of the assessment recommends noise mitigation measures and makes reference to design and orientation of habitable rooms. Should permission be granted I would ask that these measures be conditioned and implemented.

Taking the acoustic assessment into consideration I still have concerns regarding the potential impact from noise from the commercial premises immediately adjacent to the site. I understand that the nature of the business means that there are regular HGV and forklift movements in the early hours of the morning."

SHDC Environmental Services

Access roadways to all residential properties should be constructed to an adoptable standard to collect domestic refuse and waste from outside individual properties. Otherwise, the access roadway would remain in private ownership and the refuse and waste should be dropped at the point where the access roadway adjoins Fleet Road.

LCC Historic Environment Officer

No objection.

Lincolnshire County Council

No objection in terms of highway safety and flood risk/drainage.

Three notes for highway specification and regulations shall be added to the grant of permission decision notice as well as a condition for the submission of surface water drainage scheme.

South Holland IDB

No objection.

Reminds the applicant that the proposal must comply with Board's byelaws.

Planning Considerations

Principle of development

The site is located within the settlement boundary for Holbeach as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Holbeach is classed as a Main Service Centre in Policy 1 of the SELLP, which sets out the spatial strategy for new development across the district. It is therefore considered to be one of the more sustainable settlements in the district and is suitable for new residential development.

Furthermore, the application site is brownfield in nature. Paragraph 118 of the National Planning Policy Framework (NPPF), 2019 states that planning decisions should give "substantial weight to the value of using suitable brownfield land within settlements for homes" and "promote and support the development of under-utilised land and buildings".

Given the above, it is considered that residential development in this location would, in principle, be acceptable.

Layout and design

The existing 4.2 metre wide site access extends between the adjacent semi-detached houses No. 35 and 37 onto Fleet Road. Approximately 10 metres from the rear boundary of No. 37, there would be a turning point for motor vehicles integrated to the private road. The roadway would run after that point along the eastern boundary straight to the rear of the site.

With the exception of the detached house in Plot 7, the proposed dwellings would be semi-detached and two-storey such as those adjacent in Grimwood Close. Whereas three pairs of semi-detached houses would form a row from north to south facing east, the detached dwelling would face the roadway to the south. The position and footprint of the proposed dwellings would nearly mirror the existing houses in the western side of Grimwood Close. In doing so, the pattern of development would be well-integrated with the built environment of the surroundings and no harm upon the local character of the area would is anticipated.

Highway safety and car parking provision

The width of at least 4.2 metres has been ensured through the entire roadway which complies with the minimum 4.1 metre width as set out in the policy document "Lincolnshire Development Roads and Sustainable Drainage Design Approach (November 2017 Edition)".

The Highways Authority has raised no objections to the proposal and so there is no justifiable reason to refuse the application of highways grounds. Three notes are requested to be added in case of the grant of permission.

Appendix 6 of the SELLP sets out the minimum standards for car parking. It states that 2 spaces should be provided for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. 2 parking spaces are provided for plots 1-6 (3 bed units), which is adequate. However, only 2 spaces are provided for plot 7 (a 4-bed unit) which is contrary to the standards.

Residential amenity

Paragraph 182 of NPPF dictates 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".

The proposed residential scheme is adjacent to the premises of JML Henderson Ltd - A business use on the neighbouring Fleet Road Industrial Estate. During a visit to these premises, it was confirmed that regular HGV and forklift movements take place in the early hours of the morning in the storage facilities which are approximately 17 metres from the rear elevations of houses in Plots 3 to 8. In view of that, the Local Planning Authority requested the submission of an Environmental Noise Assessment. The document was produced by Acoustic Associates dated October 2019. A 2 metre high acoustic barrier (e.g: close boarded fencing) with a minimum mass per unit area of 10 kg/m2 along the western boundary of the application site is one of the mitigation measures contained in the assessment. SHDC Environmental Health was accordingly consulted and confirmed that they still had concerns regarding the potential impact of noise and disturbance from the neighbouring premises upon the future occupiers of the houses, albeit the assessment methodology and noise mitigation measures seemed reasonable. Given that the existing business adjacent would be an unsuitable neighbour for residential properties, the proposal is considered contrary to Paragraph 182 of the NPPF.

Another key consideration is the separation between the proposed houses and the existing ones in Grimwood Close. The distances are in the region of 18 metres between first-floor front windows of houses in Plots 1-8 and first-floor rear windows of existing houses adjacent to the east. Whilst little windows have obscure glazing and are for bathrooms, the remainder of windows lighten bedrooms which are deemed habitable spaces. At such separation distance, an overlooking effect would likely occur between residents in bedrooms being detrimental to their residential amenity. 21m is usually considered to be the minimum acceptable distance.

Additionally, the future residents would also overlook onto most of the rear garden of houses in

Grimwood Close. The angle has been calculated having regard to the height of front windows, height of the existing nearly 2 metre boundary fence bordering the rear gardens and separation with the adjacent houses to the east. The angle from the front bedroom windows to the centre of the back gardens is such that it is considered that the proposal would cause further loss of privacy for the existing neighbours when enjoying their outdoor amenity area.

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 the semi-detached houses show 3 no. bedrooms on the first floor comprising 2 no. double bedrooms and one single bedroom. The latter would measure approximately 2.88 metres deep and 1.93 metres wide, amounting to 5.55 square metres. These dimensions would be far distant from the minimum required for single bedrooms, a floor area of at least 7.5 square metres. Likewise, the single bedroom of the detached house (Plot 7) facing west would measure 2.26 metres deep and 1.88 metre wide which would not comply with the space standards. For these reasons, the gross internal floor area would be insufficient to ensure good amenity standards to the future occupiers.

Flood risk and drainage

According to Environment Agency's Flood Map for Planning, the site falls within Flood Zone 3 which means that land has the highest flood probability should there be no flood defences in existence. Notwithstanding this, there is no residual flood hazard as per South East Lincolnshire Strategic Flood Risk Assessment (March 2017). Maps for flood hazard, flood depths, flood velocity and the presence of water bone debris constitutes the Level 2 SFRA which complement the Environment Agency's map (Level 1 SFRA). Level 2 SFRA provides further accuracy on the impact of the flood risk. Therefore, the site is considered to be out of potential flood hazard and acceptable in terms of flood risk.

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.

Conclusion

The principle of residential development in this location on the proposed site, design and layout, flood risk and drainage are deemed acceptable. However, the proposal fails to secure minimum amenity standards for the future dwelling occupiers and existing residents of adjacent houses by virtue of noise and disturbance, overlooking impact and lack of gross internal floorspace. Furthermore, in terms of car parking provision, the arrangement is insufficient for Plot 7.

On balance, taking into account the material considerations above, the adverse impacts of noise pollution and residential amenity are considered to demonstrably and significantly outweigh any benefits. The proposed development is contrary to Policies 2, 3, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (SELLP), 2019 and Sections 12 and 15 of National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to refuse this planning application via delegated powers.

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.