

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 06 October 2021

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H05-0670-20

Application Number: H05-0670-20

Date Received: 18 August 2020

Application Type: RESERVED MATTERS

Description: Residential Development - 55 dwellings including demolition of existing house - outline approval H05-1183-16

Location: 50 Fleet Road Holbeach Spalding

Applicant: Kaplan Property Group

Agent: Robert Doughty Consultancy Ltd

Ward: Fleet

Ward Councillors: Cllr P E Coupland

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H05-0670-20>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal raises issues that warrant consideration by Planning Committee.

2.0 PROPOSAL

2.1 Reserved matters approval is sought for the erection of 55 dwellings served by a new adoptable road off Fleet Road. An existing frontage house (no. 50 Fleet Road) would be demolished to provide vehicular access to the site. The density would be approximately 15 dwellings to the hectare including the large areas of public open space within the southern and northern sections of the site.

2.2 The proposed housing mix would be as follows:
8 no. x 1 bed 2 person house - 54.3sqm
21 no. x 2 bed 4 person house - 69.3sqm
8 no. x 3 bed 5 person house - 84.6sqm
10 no. x 3 bed 5 person house - 87.6sqm
2 no. x 4 bed 6 person house - 113.6sqm
6 no. x 2 bed 4 person Bungalow - 64sqm

2.3 Following issues raised by the Design Panel the proposed layout has been amended. In response to feedback from consultees, the scheme now provides 1, 2, 3 & 4 bedroom accommodation, with the inclusion of 6 no. bungalows and detached properties.

2.4 The current completed Section 106 Agreement dated 15 January 2018 secures a minimum of 33.3% affordable housing, plus education and healthcare contributions. The proposal would deliver all 55 dwellings as affordable housing. It consists of 8 x 1 bed houses, 21 x 2 bed

houses, 2 x 3 bed houses and 2 x 4 bed houses for affordable rent (total 33) and 6 x 2 bed bungalows and 16 x 3 bed houses for shared ownership (total 22). The applicant has indicated that the proposed mix reflects local identified housing need as underpinned by a local needs study and provided for in the SHDC housing brief. Housing Strategy have provided further details in this respect.

- 2.5 It should be noted that the site (phase 1) received outline planning permission for 55 dwellings, including demolition of the existing house (no. 55 Fleet Road), in January 2018 (ref. H05-1183-16). Land to the east (phase 2) was subsequently granted outline planning permission for 25 dwellings in April 2019 (ref. H05-0468-18) with access via phase 1. The current reserved matters application was accepted in August 2020 within the time limit of the outline permission. A separate application would need to be submitted to discharge conditions that are not reserved matters (eg, provision of play area, construction management, ecology, contamination, etc). No Environmental Impact Assessment is necessary in this case.

3.0 SITE DESCRIPTION

- 3.1 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. Residential properties are located to the west off Branches Lane.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

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.

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.

Planning Practice Guidance (PPG)

National Design Guide

5.0 RELEVANT PLANNING HISTORY

- 5.1 H05-1183-16 - Residential development - 55 dwellings including demolition of existing house - Outline planning permission granted 25 January 2018 subject to Section 106 Agreement dated 15 January 2018 securing the provision of affordable housing at 33.3% and NHS/Education contributions.
- 5.2 H05-0468-18 - Residential development (Phase 2) - 25 dwellings (access via Phase 1 approved by virtue of planning permission ref. H05-1183-16) - Outline planning permission granted 1 April 2019 subject to a Section 106 planning obligation relating to 25% affordable housing and NHS/Education contributions.

6.0 REPRESENTATIONS

6.1 Fleet Parish Council

The amendments made by the developer are purely cosmetic. They do not address our concern as regards the sheer quantity, quality and style of affordable houses proposed in relation to the local plan and the original planning application which had outline planning approval as it met the criteria. This is a material planning consideration. We accept the need for affordable homes but if we have an agreed plan then it is our view that we should follow it.

Both the original and this application is for 55 dwellings. The former application was for dwellings to be in keeping with the locality this application clearly does not, even though bungalows were added to temper concerns. The provision of more trees by the developer particularly in the southern area of the development would in this instance certainly help, as this is something that the Government, LCC and District are keen to promote and would help improve the overall appearance of the development. There legitimate concerns and at parish level we still object to this development.

6.2 LCC Highways/SUDS

No objections.

6.3 South Holland Internal Drainage Board

Note that the applicant intends to discharge surface water into the IDB adopted watercourse 'K04 Devils Hill' (DRN201G0407). The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Adopted watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). Note the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) running through the site boundary and that works are proposed to alter this watercourse. To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

6.4 SHDC Strategic Housing

The outline permission benefits from a planning consent to provide 1/3 of the development as affordable housing. Since this scheme was permitted the South East Lincolnshire Plan has been formally adopted which requires about 25% of the development to be provided as affordable housing to meet district wide housing needs. Should this application be permitted it will exceed the affordable housing requirement by proposing to deliver all 55 dwellings as affordable housing.

60% (33 homes) will be provided as Rented housing and 40% (22 homes) as Shared Ownership housing. These are recognised affordable housing tenures within the affordable housing definition as described in Annex 2 of the National Planning Policy Framework. Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that

this may vary on a site by site basis.

The applicant is proposing 8 x 1 bed houses, 21 x 2 bed houses, 2 x 3 bed houses and 2 x 4 bed houses for Affordable Rent and 6 x 2 bed bungalows and 16 x 3 bed houses for Shared Ownership. This mix has been developed following discussions with Strategic Housing Officers to assist with meeting the district's affordable housing needs. The mix of affordable tenures will assist in diversifying the housing offer contributing to creating balanced and sustainable communities.

The Rented homes will assist with meeting demand from the Council's Housing Register. In addition to the Housing Register information the Strategic Housing Market Assessment identifies a need for 282 affordable homes a year, 85% of which should be available for Social or Affordable Rent. The Registered Provider that acquires the site from the applicant should be prepared to enter into a Nominations Agreement with the Council to secure a minimum of 100% of first lets and 75% of subsequent re-lets.

The Shared Ownership homes will assist in allowing households a subsidised route to home ownership. The initial shares sold are likely to be available from 10% and the rented element should be set at no more than 2.75% of the remaining equity. The applicant has amended the plans to include a number of bungalows within the Shared Ownership mix at the request of Strategic Housing Officers, which will contribute to diversifying the housing offer available to the district's ageing population.

6.5 SHDC Environmental Services

Access roadways to all residential properties should be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways. This will enable refuse/recycling/garden waste (where applicable) collections to be carried out from outside individual properties without the need for communal collection points.

6.6 Lincolnshire Police

No objections to this development.

6.7 Public

Objections received from local residents (summarised):

Already sufficient housing sites in Holbeach and Fleet to meet housing needs;
Local facilities/amenities/infrastructure/services inadequate (eg, schools, nurseries, NHS, hospitals, dentists, etc); Not enough local jobs;
Out of character - overdevelopment;
Too clustered together;
Density higher than neighbouring development;
Detrimental to the community of Fleet;
Further properties envisaged;
Poorly designed affordable homes - too small;
Too much affordable - inappropriate in this location;
Houses unsuitable - should be bungalows and not houses;
Limited landscaping;
Flood plain;
Exacerbate flooding problems in vicinity - site and properties to be raised, resulting in run-off onto neighbouring land;
Exacerbate drainage problems along Fleet Road -sewers constantly blocked;
Burst water pipes;
Increase in traffic joining onto Fleet Road which has a speed limit of 40mph;
Additional build-up of traffic;
Detrimental to highway safety/risk of accidents;
Inadequate parking/turning;
Overlooking /lack of privacy;
Increased pollution;
Overshadowing;
Blockage of light from fencing and tree planting;
Possible root damage;
Noise/disturbance;
Smell;

Blockage of view;
Increased crime rates/anti-social behaviour;
Very limited landscaping;
No evidence of this site embracing sustainable and innovative energies such as solar and ground source heating; Contravention of human rights;
No fencing to prevent access to riparian drain that runs between nos. 19, 21 and 23 Branches Lane;
Loss of agricultural land;
Lead to further development on neighbouring land;
No environmental Impact Assessment;
No self-build;
Devaluation of property.

6.8 Information from Applicant

The application is for approval of Reserved Matters relating to Layout, Scale, Appearance and Landscaping. The current completed Sec. 106 Agreement dated 15 January 2018 secures a policy provision of affordable housing at 33.3% and wider financial contributions. Kaplan Property Group are in discussion with SHDC and a Registered Provider to deliver a provision of affordable housing over that secured under the Sec. 106 Agreement, which could see the provision of 22 no. properties for Shared Ownership and 33 no. properties for rent. The proposed mix reflects local identified housing need as underpinned by a local needs study and provided for in the SHDC housing brief.

The proposed layout has been altered to provide significant uplifts from that originally proposed. In response to feedback from consultees, the scheme now provides homes of 1, 2, 3 & 4 bedroom accommodation, with the inclusion of 6 no. bungalows and detached properties. POS is provided in large part towards the south of the development with a significant additional portion towards the northern boundary providing increased separation and an opportunity for further landscaping. The proposed scheme incorporates 8 no. house types across the layout and all elevation treatments have been improved to add variety and interest throughout. As part of the wider SuDS strategy, swales have been incorporated throughout the scheme, further adding interest, openness and ecological enhancement.

The scheme in its entirety will be constructed using modern methods of construction and utilising a timber frame solution throughout. Timber frames are locally sourced as part of our overarching approach to reducing emissions and carbon footprint. All homes will be built to high ratings of SAP and EPC regulations. Material efficiency is considered as part of the early design process through SAP calculations with locally sourced efficient materials installed on site. Completed homes will be issued with a high rating Energy Performance Certificate (EPC).

We are keeping under review the developing need for charging points within our developments. A provision will be made for the addition of all necessary infrastructure which will facilitate the installation of such requirements when the need arises.

The residual land to the south of development has now been incorporated into a significant over- provision of Public Open Space which provides for a surface water attenuation pond, areas of wild grass and play equipment.

The existing drain running north/south is a private drain serving the existing property and will be removed as part of the wider drainage works as detailed in the Drainage Strategy.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Principle

- 7.3 The principle of residential development (55 dwellings) on the site has been established by virtue of the outline planning permission (ref: H05-1183-16). 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) details of landscaping and tree planting.
iv) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

7.4 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.

7.5 Design and layout

7.6 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.

7.7 The estate layout consists of 55 properties served off an adoptable road layout with vehicular access off Fleet Road. The dwellings are relatively well spaced. Large areas of landscaped public open space are provided towards the south of the development with a significant additional portion towards the northern boundary. They would be maintained by a private maintenance company and the trees have a satisfactory separation distance from neighbouring dwellings. An equipped childrens play area (LEAP) would be provided, details of which will need to be agreed by virtue of a subsequent condition compliance application.

7.8 The proposed scheme includes a mixture of dwelling types, including 1, 2, 3 & 4 bedroom accommodation, plus the inclusion of 6 no. bungalows and detached properties. It incorporates 8 no. house types across the layout and all elevation treatments have been improved to help add variety and interest. 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.

7.9 There is a general mix of residential properties along Fleet Road and also to the west of the site off Branches Lane. 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. Parts of the development are not dissimilar in design to the semi-detached houses off Chapman Mews immediately to the north. The estate would be relatively spacious by modern standards and within a landscaped setting. 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.

7.10 Residential amenity

7.11 In terms of topography, the existing ground levels on the site generally vary between 3.2m and 2.75m aOD approximately, with the ground falling gradually from North-West to South East. The dwellings on plots 1-10 are set well back from the northern boundary, with the distances varying between 25m and 50 metres approximately. The road level at this point would be in the region of 4m aOD and finished floor levels of plots 1-10 set between 4.1 and 4.5m aOD. Two metre high fencing is proposed along the northern boundary, which is considered sufficient given the separation distances involved.

7.12 In respect of the western boundary, plots 31-32 are bungalows. Plots 33-38 are houses that are set some 15-20 metres from the western boundary adjoining residential dwellings off Branches Lane. Proposed ground levels would gradually rise away from the western boundary from 3.2m (existing level) to between 3.8 and 4.3m aOD approximately. Finished floor levels of plots 31 and 32 (bungalows) would be 4.45m aOD and plots 33-38 between 3.9 and 4.2m aOD. 2 metre high closeboarded fencing with 300mm trellising above is proposed along the western boundary at this point and is considered satisfactory given the separation distances.

- 7.13 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.
- 7.14 Highway matters and parking provision
- 7.15 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.
- 7.16 The principle of 55 dwellings upon this site has already been established by virtue of the outline planning permission (ref. H05-1183-16). On site parking facilities have been provided in accordance with the requirements of Appendix 6. LCC Highways have been consulted and have raised no objections. The proposal therefore satisfactorily accords with Policies 2, 3 and 36 on highway safety/parking grounds.
- 7.17 Flood risk and drainage
- 7.18 Concerns have been raised by local residents on flood risk/drainage grounds. The former was addressed at the outline stage. Essentially, the site is situated 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 within an area of "Low Hazard" within the Authority's Strategic Flood Risk Assessment. There are few sites elsewhere within Holbeach that are sequentially preferable and readily available. 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 and safe refuge be provided within the roof space in the case of bungalows. This was the subject of a condition.
- 7.19 Foul water would be disposed of to an existing mains sewer located within Fleet Road to the north of the site. Anglian Water indicated at the outline stage that the site is in the catchment area of Sutton Bridge Water Recycling Centre, which has available capacity for these flows. They have a statutory duty under the Water Industry Act to provide, improve and maintain/clean sewers.
- 7.20 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. It has been requested that a fence be erected along the drain to prevent access onto Branches Lane by children. However, this is not considered to be practical.
- 7.21 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.
- 7.22 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 along the western site boundary to capture exceedance flows and direct them towards the proposed attenuation basin.
- 7.23 Resident concerns
- 7.24 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. The site to the east of the site has outline permission (ref. H05-0468-18) and any subsequent reserved matters application will be assessed on its own merits. Loss of outlook and devaluation of property are not material planning considerations and therefore carry no weight.

7.25 **Planning Balance**

7.26 This application is solely for the approval of "reserved matters". The principle of 55 dwellings has already been established by virtue of the outline planning permission (ref. H05-1183-16). 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 it includes satisfactory on-site parking arrangement. Details of drainage have been provided and are considered acceptable.

7.27 The proposal therefore satisfactory 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.

7.28 **Additional Considerations**

7.29 Public Sector Equality Duty

7.30 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.

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

7.32 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.

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

7.34 Human Rights

7.35 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).

7.36 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.

7.37 Conclusion

7.38 The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved.

8.0 RECOMMENDATIONS

8.1 **Approval of the reserved matters subject to the conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
4883/KP/19/001B;
4883/KP/19/002X (Proposed Site Plan);
4883/KP/19/002X (Proposed Site Plan Presentation);
4883/KP/19/004A;
4883/KP/19/005F;
4883/KP/19/006B;
4883/KP/19/008A;
4883/KP/19/010B;
4883/KP/19/011B;
4883/KP/19/012B;
4883/KP/19/013B;
4883/KP/19/014B;
4883/KP/19/015B;
4883/KP/19/016B;
4883/KP/19/017B;
2020-PL1-02B;
2020-PL1-03B;
2020-PL1-04B;
2020-PL1-05B;
2020-PL1-06B;
2020-PL1-07B;
2020-PL1-08B;
2020-PL1-09A;
Schedule of External Materials (Job No. 4883 - Rev 1) dated August 2020;
Drainage Strategy Report by Farrow Walsh Consulting (Ref. FW1947_DS_001 V4) dated February 2021;
Landscape Management Plan prepared by Keary Design Associates.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

3. The applicant is reminded that a separate application would need to be submitted to discharge conditions on the outline planning permission (ref. H05-1183-16) that are not reserved matters (eg, provision of play area, construction management, ecology, contamination, etc).

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

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