DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0770-22**	**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:	2nd November 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving Sustainable development
Section 12 - Achieving Well-Designed Places

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
RESIDENTS	2	0	0	0

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). Applications have subsequently been approved to modify the scheme under S73, the most recent being ref. H05-0446-22.

This application is for additional amendments to the scheme as indicated below:
- The finished floor levels (FFLs) on plots 35 and 36 have been raised by 70mm from 3.95 to 4.02m aOD.
- The FFLs on plots 37 and 38 have been raised by 120mm from 3.90 to 4.02m aOD.
- Front paths changed from instead of pavement to front door to parking spaces to front door.

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 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.

H05-0303-22 - 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.

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.

H05-0446-22 - 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.

Consultation Responses

Fleet Parish Council

Section 73 Modifications are intrinsically vague in that any changes wanted relate back to the original granting of planning permission which in this case is for the building of 55 dwellings at 50 Fleet Road, Fleet.

Therefore, FPC object as material changes could be automatically waived through without consultation. Any changes need to be ratified agreed by SHDC Planning Committee. Without this who knows what changes would go through without consultation.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

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 by way of infilling. To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4). The applicant has approached the Board to make an application for consent under Section 23 of the Land Drainage Act 1991.

The Board has recently become aware of some issues regarding the existing storm sewer running through the site that the applicant had intended to remove. Upon further investigation the application has found that the storm sewer is connected to the wider network at the site frontage. The applicant and the Highways Department are working together to investigate this further, but as it stands, we recommend that the storm sewer is not removed if it is being actively used.

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).

Strongly recommend that the required consents are sought prior to determination of the planning application.

Environment Agency

No comments.

Public

Objections received from nearby residents (summarised):
- Further increases in finished floor level continue to raise this site beyond that of its surroundings, which is shocking
- Increased height of properties result in overlooking of neighbouring properties.
- Lack of privacy

Planning Considerations

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

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 and are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. It also seeks places with a high standard of amenity for existing and future users.

The proposed revisions to the paths serving individual properties 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.

The current submission also includes a marginal increase in finished floor levels in respect of some plots along the western boundary for drainage reasons. The proposed finished floor levels of plots along this boundary are as follows:
Plots 31-32 - 4.45m aOD;
Plots 33-34 - 4.20m aOD;
Plots 35-38 - 4.02m aOD.

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. 2 metre high closeboarded fencing with 500mm trellising above is recommended along the western boundary given the increase in FFLs.

Taken together, therefore, the separation distances between existing/proposed properties, along with boundary screening, are such that the proposal would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc. Nor would the revisions harm the character or appearance of the development or general locality. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Planning Balance

The proposed modifications are considered acceptable and would not have an unacceptable impact upon the character or appearance of the locality or the amenity of neighbouring residents. The proposal therefore satisfactory complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework. There are no issues in this case that outweigh factors in favour of the proposal.

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.