

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0826-24 **Applicant:** Seagate Homes

Proposal: Proposed development comprising 2 houses (including new vehicular access off Fleet Road) - approved under H05-1070-21. Modification of Condition 2 to allow amendments to previously approved plans

Location: Land North Of Holbeach Manor Fleet Road Fleet

Terminal Date: 27th November 2024

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
28	The Natural Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to vary condition 2 (approved plans) of permission H05-1070-21. Permission H05-1070-21 was approved on 20 December 2021 and granted consent for two dwellings and a new vehicular access off Fleet Road, Holbeach.

Condition 2 set out the approved plans which the development was required to be implemented in accordance with. Under the current application, consent is sought to substitute some of the amended plans in order to alter the approved design. For example, plot 1 is proposed to be located further to the west, and a singular access is proposed for both dwellings from Fleet Road, whereas previously a separate access from the private road to the east of the site was proposed for plot 2.

Site Description

The site comprises land north of Holbeach Manor, Fleet Road, Fleet. The site is vacant and there are trees along the site frontage which are protected by a Tree Preservation Order.

Relevant Planning History

H09-0677-86: (Outline Application) Residential development - approved 03 November 1986

H09-0252-90: (Outline Application) Residential development - approved 27 April 1990

H05-0372-93: Permission Renewal - approved 13 October 1993

H05-1070-21: Proposed development comprising 2 houses (including new vehicular access off Fleet Road) - approved 13 October 2021

H05-0242-23: Details of external materials, landscaping & tree planting, proposed boundary treatments, external gas & electricity boxes, proposed floor levels and existing / proposed site levels. (Conditions 3, 4, 5, 6 and 8 of H05-1070-21) - conditions discharged 27 April 2023

Consultation Responses

Fleet Parish Council: No response received.

Cllr P S Barnes: Although permission has already been given for access onto Fleet Road, this was nearly 3 years ago. I would urge LCC Highways to review this - and the new position suggested - in light of the substantial increase in traffic over this time (circa 4-5k movements per day) and certainly give serious consideration to lower the speed limit from 40mph to 30mph. If the development was turned through 90 degrees access could be via Tower Way?

South Holland Internal Drainage Board: I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are

proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Highways and SUDS Support: No Objections. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk. It should be noted that the proposed access arrangements will be a shared access for two dwellings and therefore, a minimum access width of 4.1 metres will be required for the safe passage of two-way vehicular movements. Additionally, the re-location of the access is marginally further East and suitable visibility at this access can still be provided to allow drivers to judge if it is safe to complete the manoeuvre and enter the highway.

Tree Officer: Every effort should be made to retain the frontage trees. They are a continuation of the line which are preserved under Fleet Tree Preservation Order No. 2 1987. Please read my comments on file regarding the original application H05-1070-21, as much as are of relevance:

'The proposed dwellings are very close to the frontage western red cedars; it being proposed to build them within the Root Protection Areas which is not to be recommended.

If the development goes ahead, it is likely that individual residents will resent the closeness of the frontage trees overpowering their properties and causing worry that they might split and fall on a windy night. It is a situation that I come across time and time again where new residents complain about their trees and say that their dwellings should never have received Planning Permission in such close proximity.

The minute front gardens of the properties will be dry due to them being totally within the Root Protection Area of the western red cedar trees. Any attempt at cultivation of the frontage gardens will result in on-going damage of feeder roots of the trees.'

Obviously, we have moved on from this stage, permission having been granted:

Please note the requirements to plant replacement trees under H05-0898-17 and H05-0069-22 (particularly the blue spruce) and NOTE condition 9 of H05-1070-21

'9 The Blue Atlas Cedar and Monterey Cypress indicated on dwg. no. FRH-SH-SP-AR-02 A shall be planted within 6 months of the date of this decision notice. The Replacement Blue Spruce indicated on dwg. no. FRH-SH-SP-AR-01 B shall be planted during the first planting season following practical completion of the development.'

Could see no evidence when peered over the gate on 16th October 2024 that the replacement trees were in place unless completely obscured by vegetation.

The area covered by the entrance driveway which encroaches in the Root Protection Area of the frontage trees initially appears greater in the proposed plans than the approved, but in reality, would appear to be little different. Should approval be granted, the access and driveways must be constructed using 'No-dig' methods, of permeable materials with a cellular confinement system/geoweb sub-base. The site will require an up-dated Tree Protection Plan, with a suitable Condition added to ensure that it is complied with. Please ensure should permission be granted, that all the Planning Conditions are carried over from the original Decision Notice H05-1070-21, with plan numbers updated as required.

The tree officer was re-consulted after a tree protection plan was submitted however no consultation response was received.

Environmental Protection: No comments.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The response is set out below:

-Cannot approve or disapprove this application as there are not complete plans of the buildings attached. With the completion of the new supermarket, I would agree with the District Council local member that the access could be from the already in use Tower Gardens with a possible widening

to enable better access to both the new and the existing buildings.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The principle of development was found to be acceptable through the approval of permission H05-1070-21. The main issues and considerations in this case therefore include the following:

- Design and Visual Impact;
- Impact on Amenity;
- Highways;
- Protected Trees;
- Flood Risk; and
- Biodiversity.

These matters are assessed in turn below.

Design and Visual Impact

Section 12 of the NPPF specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Policy 2 of the Local Plan similarly outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF as it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

Permission H05-1070-21 granted consent for two dwellings and a vehicular access from Fleet Road. A vehicular access was also proposed from a private drive to the east of the site for plot 2. The current application still seeks consent for two dwellings, however, consent is sought to change the approved scheme as follows:

- Plot 2 is proposed to be within the same location as previously approved, however, plot 1 is proposed to be moved further to the west of its original location.

-A detached garage is no longer proposed to the south-west of the plot 1 dwelling. Instead, a combined garage is proposed for both plots 1 and 2 to the rear of the dwellings.
-A vehicular access is no longer proposed for plot 2 from the driveway to the east of the site. Instead, a combined access is proposed for both dwellings from Fleet Road. Furthermore, the access from Fleet Road is proposed further to the east than previously approved. The red line boundary has therefore changed from the original red line boundary as the access is proposed in a different location.

The proposed house types are the same and as such the appearance, scale and layout of the proposed dwellings remains unchanged. The visual impact of the dwellings was previously assessed as acceptable. The visual impact of moving plot 1 further west and the larger garage building is acceptable.

Previously, a detached garage was proposed to the rear of plot 1. No garage was proposed for plot 2. The garage featured a gable end roof form and measured approximately 4.1m up to the roof ridgeline. The amended garage building features a jerkinhead roof form and measures approximately 4.9m up to the roof ridgeline. Therefore, although the proposed garage building is larger than the previously approved building, the scale is commensurate with nearby buildings and the garage would therefore be acceptable in terms of its visual impact.

The proposed development would have an acceptable impact on the character and appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The revised proposal would not result in an unacceptable degree of overshadowing or overlooking. No changes to the house types are proposed and a sufficient amount of internal and external space is proposed for each dwelling.

As such, the proposed development accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Protected Trees

There is a Tree Preservation Order within the site (TPO/05B/01/1987). A tree was proposed to be removed within the site as part of the determination of the original application. This tree comprised a spruce near the western edge of the site. The council's tree officer considered that this was acceptable on balance as the tree was in a poor condition and showing signs of dieback. A replacement blue spruce was proposed and this replacement tree is also proposed under the current application.

It was also previously noted during the determination of the original application that two replacement trees that should have been planted in association with application H05-0898-17 had not yet been planted. The applicant subsequently revised the Location Plan to indicate where the replacement trees will be planted. The replacement trees were within the blue line boundary and it was considered appropriate to secure the planting of these trees via condition. This remains unchanged as part of the determination of the current application and a similar condition will be included.

The council's tree officer previously raised concerns that the two dwellings would be close to the root protection areas of the trees near the front of the site which are protected. The two dwellings were therefore positioned further back into the site. The two dwellings remain at a similar distance from the site frontage.

The council's tree officer considers that the proposed vehicular entrance would encroach on the root protection areas of the frontage trees which are protected. This impact would not be significantly

worse than the impact of the original layout.

Conditions were previously included to ensure that appropriate protection is afforded to the remaining trees during the construction process and that no-dig construction is used where relevant. Conditions 9, 10 and 11 of the original decision notice (H05-1070-21) related to the protection and planting of trees and were compliance conditions. Condition 9 previously required replacement trees to be planted within six months of the original decision being granted. This appears not to have taken place and therefore it is necessary to include this condition again. The other conditions will also be retained as suggested by the council's tree officer.

The proposal therefore accords with Policies 2 and 3 of the Local Plan in terms of the impact of the proposed development on the trees within the site.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this section, Paragraph 115 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. Plot 1 contains four bedrooms, whereas plot 2 contains three bedrooms.

Lincolnshire County Council's highways team have not raised objections to the amended vehicular access. There is sufficient room for parking and turning within the site for both dwellings. The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

Large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

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 combination of 'no hazard' and 'low hazard', with predicted flood depths of up to 0.25 metre.

The sequential and exception tests were passed during the determination of application H05-1070-21. The submitted flood risk assessment (FRA) for application H05-1070-21 recommended that the finished floor levels of the proposed houses should be at a minimum level of 3.45m ODN or a minimum of 300mm above the existing ground level of the site, whichever is higher. The approved FRA will still be retained for approval under the current application.

In terms of drainage, the proposal was for surface water to be disposed of via soakaways and for a connection to be made to the existing Anglian Water network for foul water disposal. This remains unchanged.

Therefore, there are no significant flood risk issues and the development therefore satisfactorily accords with Policy 4 in the SELLP, 2019.

Biodiversity

National planning policy guidance sets out that biodiversity net gain does not apply to section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024 (Paragraph 003 Reference ID: 74-003-20240214). The proposed development is therefore exempt from the requirement for delivering a net gain in biodiversity as the application is a section 73 application and the original application was approved on 20 December 2021.

Conditions

Conditions 3 (external materials), 4 (landscaping and tree planting), 5 (boundary treatments), 6 (external gas and electricity boxes) and 8 (existing and proposed site levels and surfacing details), were previously discharged on 27 April 2023 under application H05-02420-23. Although these conditions were previously discharged, the approved details from application H05-02420-23 would now be inconsistent with the new layout. As such, it is proposed to include these conditions again as they will need discharging again. Condition 1 is proposed to be removed as the permission was implemented and as such this condition is no longer necessary.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.