DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0849-18**	**Applicant:**	**Applegate Homes (Lincs) Ltd**
Proposal:	Demolition of existing site and proposed residential development and associated works (8 dwellings) - Re-submission of refused application H05-0871-17		
Location:	Fleet Garden Centre Fleet Road Fleet		
Terminal Date:	20th November 2018		

Planning Policies

Local Plan July 2016:

SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG4	Development in the Countryside
EC3	Existing Employment Areas/Premises
HS7	New Housing in the Open Countryside including Other Rural Settlements
SG11	Sustainable Urban Drainage Systems (SUDS)
SG12	Sewerage and Development
SG13	Pollution and Contamination
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG16	Parking Standards in New Development
SG17	Protection of Residential Amenity
SG18	Landscaping of New Development

National Guidance

National Planning Policy Framework 2018

Sections 2, 4, 5, 9, 12 and 14

Representations:

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

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	6	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for residential development (8 dwellings). The proposal is essentially a re-submission of an application for 9 dwellings, which was refused on 29 January 2018.

The applicant has indicated that the main changes to the scheme are as follows:
· A reduction in the number of units from 9 to 8
· Revisions to the house types, in particular including the presentation of a semi-detached pair of rural cottages to the road frontage
· Revisions to the positioning and arrangement of the rear dwellings, with a chalet bungalow now located in the centre of the site to afford views through the site and to the countryside beyond from the main road and site entrance.
· General review and minor revisions to house-types to reduce scale and improve architectural theming.
· Addition of significant structural planting, in particular to the road frontage, to soften the development and enhance the street scene.
· Review of submitted documents, including analysis of the existing levels of built form on the site compared to the proposed scheme which would see a marked reduction in the extent of hard-surfaced area, and representation of this information.

As background information, it should be noted that the owner of the site submitted a pre-application enquiry for residential development in March 2016. The location given was Fleet Road Nursery, 100 Fleet Road, Fleet, PE12 8LD. However, the pre-application advice given related to another site further to the east on the fringe of Fleet Hargate, also known as Fleet Road Nursery and identified as such on the Council's GIS system. It indicated that an application would be welcomed because Fleet Road Nursery is flagged as a potential housing site in the emerging South East Lincolnshire Local Plan. Whilst this advice was correct in respect of the site further to the east the application site is not allocated for housing within the emerging Local Plan.

Site Description

The site (some 0.45 ha) is located between Holbeach and Fleet Hargate on the southern side of Fleet Road. It is occupied by a number of buildings and glasshouses, plus ancillary car park/ hardstanding. It is currently used as a nursery/garden centre, plus carpet warehouse. The southern and western boundaries are delineated by high hedging.

A house is located immediately to the north-west and a bungalow to the east. Land/garden associated with "The Grange" is situated to the south and west.

Representations

Fleet Parish Council - In general the view of the Council is to support this application.

LCC Highways/SUDs - Request condition and also the provision of a bin storage area.

South Holland Internal Drainage Board - Note that the applicant indicates that they intend to dispose of surface water via infiltration; however, I cannot see that a drainage strategy or plan has been provided for the site. This proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material is considered favourable then infiltration testing in line with BRE 365 should be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environment Agency - Previously requested that finished floor levels be no lower than 300mm above existing ground level with flood resilience and resistance measures. Also recommend that future occupants sign up to Floodline Warnings Direct.

Environmental Protection - Due to the previous use of the site request a contaminated land condition for this application in order to protect the end user.

Public - 6 local residents have supported the proposal on the following grounds (summarised): Deliverable; Need for additional housing in accordance with Government policy; Good use of land - presently under used; Brownfield - would not result in loss of agricultural land; Better than having another vacant commercial site which would become derelict or unsightly; In keeping with other developments currently being started in the area; Preserve/enhance the character of the area; Revised scheme includes landscaping and houses have been planned to fit in with others within the area; Within distance of schools, shops and amenities; Within centre of Fleet Parish - would not encroach on Holbeach; Not encroach on other properties; No significant increase in noise levels; Already has services (eg, electric and sewerage); Good road access and visibility; Local health and education facilities have capacity to service the modest number of dwellings; Permission has been granted on land at Proctor's corner in Fleet Hargate;

Applicant (summarised):
The house types have also been revisited and amended to ensure that the development is respectful to the established scale of buildings on site and the character of the general area, whilst ensuring that the scheme would make the most efficient use of the site. The proposal would result in a sustainable form of development which would contribute to the established community within the area. The scheme includes significant structural landscaping which would also aid in softening the impact of the development. This application is submitted in full, with details of all house-types, layout, landscaping and site access for consideration.

The detailed drawings depict the scheme to be determined, which are for a range of property sizes, of a traditional gabled form, which seeks to combines road frontage development with a modest cul-de-sac.
The application has evolved with these objectives in mind, with full recognition of both national and local planning policies.

The scheme would have the following benefits:
- Provide additional residential units in a sought after location, contributing to the housing needs for the area and which would allow additional occupancy which would support existing facilities within the locality;
- Make efficient use of under-utilised "brownfield" land;
- Provide energy efficient new dwellings which would compliment existing housing stock;
- Would enhance the established character and context of the area and would make the most efficient use of an under-used parcel of land.

Previous Decisions

H05-0871-17 - Demolition of existing site and proposed residential development and associated works (9 dwellings), Fleet Garden Centre, Fleet Road - Refused 29 January 2018.

Reason: The proposal would provide energy efficient dwellings that would make a contribution towards the supply of housing required to meet the needs of present and future generations. The scheme would also be deliverable. However, these matters are outweighed by the harm that the proposal would cause in terms of the development's effect upon the character and appearance of the rural locality and countryside. The site is situated between Holbeach and Fleet Hargate within an area where existing development is generally scattered. It is considered that the replacement of existing rural buildings with a housing estate would domesticate and urbanise the site and consolidate existing residential development within the countryside, to the detriment of its prevailing rural character. Further, it would cumulatively erode the physical separation between Holbeach and Fleet Hargate.

Material Considerations

The main issues in this case are:

- Whether the proposal would be a sustainable form of development taking into consideration economic, social and environmental factors, including the development's effect upon the character and appearance of the locality;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flooding, drainage and contamination.

Principle/Sustainability

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside a Development Boundary as defined in the South Holland Local Plan, 2006. The site is therefore regarded as open countryside. Saved Policy HS7 of the South Holland Local Plan indicates that residential development should only be allowed in such locations where there is an essential need, or for small scale rural exception affordable housing.

No case has been put forward in terms of the above. Consequently, the proposal does not comply with Policy HS7.

However, housing policies within the South Holland Local Plan are out of date and the Authority does not currently have a 5 year supply of deliverable housing land. In accordance with advice within paragraphs 10 and 11 of the Framework, where policies for determining an application are out-of-date, there is a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental.

An Economic Role - The applicant has indicated that the present use is "no longer viable" and that the proposal would make efficient use of under-utilised "brownfield" land. Addressing this issue, the site is not wholly brownfield because the present use includes a "nursery". Moreover, the proposal would result in the loss of commercial premises that could potentially be utilised for an alternative economic purpose. The proposal, on the other hand, would not make a significant long term contribution towards the economy, other than during the construction stage.

A Social Role - The applicant has indicated that the proposal would provide energy efficient new dwellings that would make a contribution towards the supply of housing required to meet the needs of present and future generations. The scheme is also deliverable. Although the site is some 1.9km from the centre of Holbeach, where the main services and facilities are situated, there are footways between the site and town centre. Moreover, the site is on a public transport route. Services and facilities are considered to be reasonably accessible by cycle and public transport.

An Environmental Role - The site is situated between Holbeach and Fleet Hargate within an area where existing development is generally scattered. A bungalow is situated to the east and a house to the north-west. There are sporadic rows of dwellings further to the east and a large house and associated outbuildings are situated to the west within spacious grounds. It is considered that the replacement of existing rural buildings with a small housing estate such as that proposed would domesticate and urbanise the site and consolidate existing residential development within the

countryside, to the detriment of its prevailing rural character. Further, it would cumulatively erode the physical separation between Holbeach and Fleet Hargate.

The proposal is therefore contrary to Policies SG4 and SG14 of the South Holland Local Plan, 2006. These policies are in accordance with advice within the National Planning Policy Framework, 2018, which seeks to protect the character of the countryside and ensure that new development is in character with its surrounds. Paragraph 170 indicates that planning decisions should recognise the intrinsic character of the countryside. Paragraphs 122 and 127 indicate that dew development should be sympathetic and maintain an area's local character.

In reaching the above conclusion, consideration was taken of an application for residential development on land adjoining the built up area (ref. H05-1261-16). The application was refused on character grounds and subsequently dismissed on appeal (ref. APP/A2525/W/17/3178405).

It should also be noted that the site is well outside Holbeach Settlement Boundary as defined within the South East Lincolnshire Local Plan 2011-2036 (Publication Version - March 2017). The Plan has recently undergone an examination in public and aims to provide a 5 year supply of deliverable housing sites. Paragraphs 48 and 49 of the Framework indicate that local planning authorities may give weight to relevant policies in emerging plans if they are at an advanced stage but not yet formally adopted. If permitted, the proposal would encourage further applications of a similar nature, which would then be hard to resist, contrary to the aims and objectives of both the Framework and emerging local plan to ensure that new development is sustainable and protects the character and appearance of the area and countryside.

It is acknowledged that the site was mistaken for another of the same name during original pre-application discussions and that the advice given did not relate to this particular site. However, this misunderstanding at pre-application stage is not considered to be sufficient reason to justify approving the application contrary to the aforementioned concerns, also taking into consideration that planning advice is offered without prejudice.

Residential Amenity

A house (no. 98) is situated to the north-west and a bungalow (no. 102) to the east. A large house is located to the west within spacious grounds. The property on plot 1 has a kitchen window and utility door on its western elevation facing No. 98. A bathroom window and roof lights serving bedroom 2 at the front of the property are situated at first floor level. The western boundary of the site is delineated by hedging, which is on the neighbouring property. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc, subject to appropriate boundary treatment Consequently, it is considered that there is not a fundamental conflict with Policy SG17 of the South Holland Local Plan, 2006, which aims to protect the amenity of nearby residents, both existing and future.

Highway Safety

Plots 1 would have an access directly onto Fleet Road (B1515). Vehicular turning facilities have been provided. The remainder would be served by a private access road, with bin collection points at the entrance. The County Highways Authority has not objected on highway safety grounds.

Flooding

The site falls within Flood Zone 3a (High Probability) within the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The site has been identified as "Danger for Some" within the Strategic Flood Risk Assessment, which takes into account existing flood defences. There are alternative sites within the Holbeach and Fleet Hargate areas that are appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding. The proposal therefore fails to satisfy the sequential test.

Moreover, the proposal fails the exceptions test because the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore conflicts with advice within paragraphs 155 to 161 of the National Planning Policy Framework, 2018.

Drainage

Foul water from the scheme would be discharged into individual package treatment units. Surface water would be disposed of via soakaways. SUDs and the South Holland Internal Drainage Board have requested further details of drainage, which could be addressed by means of conditions if permission was forthcoming.

Contamination

Environmental protection has requested a contaminated land condition due to the previous use of the site.

Conclusion

Although the proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations this factor is outweighed by the harm that the proposal would cause in terms of other economic and environmental factors, including the loss of a commercial site and the development's effect upon the character and appearance of the rural locality and countryside. The site is situated between Holbeach and Fleet Hargate within an area where existing development is generally scattered. It is considered that the replacement of existing rural buildings with a housing estate would domesticate and urbanise the site and consolidate existing residential development within the countryside, to the detriment of its prevailing rural character. Further, it would cumulatively erode the physical separation between Holbeach and Fleet Hargate.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the countryside.

Moreover, in terms of flood risk, there are alternative sites within the Holbeach and Fleet Hargate areas that are appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding. The proposal therefore fails to satisfy the sequential test.

No objections are raised on amenity, highway safety and drainage grounds, etc subject to conditions.

Recommendation

That the application be refused under delegated powers.