

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-1070-21 **Applicant:** Seagate Homes (UK) Ltd.

Proposal: Proposed development comprising 2 houses (including new vehicular access off Fleet Road)

Location: Land North Of Holbeach Manor Fleet Road Fleet

Terminal Date: 17th January 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
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

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

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

CASE OFFICER ASSESSMENT

Proposal

Full planning application for a proposed development comprising 2 houses (including new vehicular access off Fleet Road) on land to the north of Holbeach Manor, Fleet Road, Holbeach.

Site Description

The application site forms part of the grounds of Holbeach Manor. Holbeach Manor comprises a substantial early 20th-century brick and render dwelling with adjoining outbuilding, set in extensive grounds, which is located on the southern side of Fleet Road, approximately 900m east of the main town-centre crossroads. The application site comprises an almost square parcel of garden land, approximately 0.11ha in extent, situated to the north-east of Holbeach Manor and the north of an office building. To the east of the site are a pair of frontage, semi-detached dwellings. To the west is retained garden land to Holbeach Manor. There is a single preserved tree within the application site as well as a number of non-protected trees and hedging. Planning permission has recently been granted for 5 detached dwellings on land to the south-east of the site.

History

H05-0664-21 - Full - Residential development comprising 5 detached dwellings off private drive including retaining and converting existing water tower (approved September 2021)

H05-0898-17 - Works to Fleet and Holbeach TPO No. 01, 1987 (approved October 2017)

TPO-05B-01-1987 - Holbeach Manor, Fleet Road, Fleet

Consultation Responses

South Holland Drainage Board - We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. Highlights the relevant consents that may be required.

SHDC Tree and Nature Conservation Officer - Raises concern re building within the Root Protection Areas of the frontage trees and the potential for future occupants to seek the removal of these trees. 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.

If the arborist's recommendations with regard to a 'no dig' permeable driveway are followed, then root damage to access the site would be kept to a minimum. The blue spruce which would appear to be situated at the western end of Group One of FLEET AND HOLBEACH TREE

PRESERVATION ORDER NO. 1 1987; looks to be in poor condition showing dieback. Should consent be issued for its removal, which is likely to be forthcoming, there would be a requirement to plant a replacement tree of the same species.

Although the proposed driveway is within the Root Protection Area of the blue spruce, the tree is not immediately affected by the foot plate of the proposed development, so its removal would not be

required to implement the development should it be approved. In this instance, a separate Tree Preservation Application would be required, to request consent for removal.

All trees to be retained require protection as detailed in the Tree Protection Plan which accompanies the Application. This includes fencing, ground protection and construction of the driveway in the Root Protection Area, using 'No dig' methods; with an arboriculturalist supervising as stated.

Should development be allowed, it would be as well to additionally protect trees on the site with a long term Planning Condition, particularly the frontage trees, as they are considered by some, as of significant amenity to the site. The frontage hedge should be made subject of a Condition for long term retention too.

SHDC Environmental Protection (contaminated land) - No comments or objections.

LCC Highways - No objection subject to standard access and utility informatives.

Public (1 comment received, summarised) -

- Recommend the installation of 3 swift nest bricks per house

Planning Considerations

Principle

The site is located within the settlement boundary for Holbeach as set out in the South East Lincolnshire Local Plan (2019).

Policy 1 of the Local Plan (Spatial Strategy) classifies Holbeach as a "Main Service Centre". "Development" in Main Service Centres "will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

The intended dwellings would either entail the arrival of new residents to Holbeach, or encourage existing residents of Holbeach to remain within the town, who would potentially use the services and facilities of the settlement.

The proposal is therefore considered to satisfactorily comply with Policy 1 in this regard and is acceptable in principle.

Layout, Density, Scale and Appearance

The proposal is for a 1 x 3 bed and 1 x 4 bed detached house facing Fleet Road. The proposed designs are reasonably in keeping with surrounding existing and proposed development and is of an appropriate standard. Materials of construction are to be confirmed and will be conditioned.

The scale of the proposed dwellings is not at odds with surrounding development which is a mixture of two storey dwellings and bungalows, and the plots are sufficiently large to ensure a well spaced development. Finished floor levels would need to be raised by a minimum of 300mm, which would not have a material impact on the street scene.

The majority of trees to the site frontage would be retained and help preserve the more verdant character of this side of Fleet Road.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme accords with Policies 2, 3 and 30 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Impact on Protected Trees

The proposed development would result in the loss of three trees, one of which is protected by virtue of Tree Preservation Order ref. TPO-05B-01-1987 (the Spruce at the western side of the site). No objections are raised to the removal of the latter however, given its poor condition and it is

showing dieback. A replacement blue spruce is indicated just outside of the red line boundary.

SHDC's Tree and Nature Conservation Officer has also highlighted that two replacement trees that should have been planted in association with application ref. H05-0898-17 have not yet been planted. The applicant has subsequently revised the Site Location Plan to indicate where the replacements will be planted, and given that they fall within the blue line, this can be conditioned.

Concern has been raised regarding building within the Root Protection Areas of the frontage trees and the potential for future occupants to seek the removal of these trees. The two properties have now been positioned slightly further back to create a greater distance to the trees.

Conditions can also be added to ensure that appropriate protection is afforded to the remaining trees during the construction process and that no-dig construction is used where relevant.

The proposal is considered to accord with Policies 2 and 3 of the Local Plan in this regard.

Highway Safety and Parking

The proposal is for a new vehicular access to be created from Fleet Road to serve Plot 1 and for Plot 2 to be accessed by the existing roadway to the east. The latter would be resurfaced and upgraded as part of the adjacent approved development (H05-0664-21). The Highway Authority have been consulted on the application and have not objected on highway grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

With regard to parking provision, Appendix 6 of the Local Plan sets out minimum parking standards for new developments. This sets out a requirement for 2 vehicle parking spaces for dwellings with up to 3 bedrooms and 3 vehicle parking spaces for dwellings with 4 or more bedrooms. There is sufficient space within the curtilage of each plot to meet these requirements.

Residential Amenity

There is a separation distance of approximately 16m to the closest property to the east and Plot 2 has no side facing windows. It is therefore not considered that there would be a material overlooking, overbearing or loss of light impact. Plot 1 is approx. 31m from Holbeach Manor to the south-west. Given the separation distance and angle concerned there would not be a material amenity impact in this regard. In addition, the windows to the western elevation of Plot 1 would only overlook the neighbouring driveway. There are no windows on the northernmost elevation of the neighbouring office building and the conservatory to the side of that building is approx. 19m away. It did not appear that this part of the building was being used at the time of the site visit.

The relationship between proposed properties is such that appropriate levels of amenity will be achieved.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk and Drainage

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3a 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 Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Holbeach. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

The submitted flood risk assessment recommends that 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. Taking into account the predicted flood depths previously identified, the latter should ensure that the development is safe for its lifetime bearing in mind existing site levels.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for connection to be made to the existing Anglian Water network for foul water disposal. There are no known ground permeability issues in this area that would preclude the use of soakaways and Anglian Water are obliged to accept foul water flows from new developments if proposed.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Planning Balance

The application site lies within the settlement boundary for Holbeach as set out in the South East Lincolnshire Local Plan (2019) and the proposal is considered to satisfactorily accord with Policy 1 of the Local Plan. It is not considered that the proposal would have a material impact on the character and appearance of the area or neighbouring amenity. The proposal is acceptable on highway, flood risk and grounds. Furthermore, although the development would result in the loss of a protected tree, this is in poor condition and planting a replacement is the most appropriate solution. The proposed dwellings have been moved slightly further back within the application site during the course of the application to ease concerns about the impact on the frontage trees.

Taking the above into account, the planning balance is considered to be 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

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12, 14 and 15 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.