

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 10 January 2018

**(Author:** David Gedney - Senior Planning Officer)

**Purpose:** To consider Planning Application H05-0871-17

**Application Number:** H05-0871-17

**Date Received:** 11 September 2017

**Application Type:** FULL

**Description:** Demolition of existing site and proposed residential development and associated works (9 dwellings)

**Location:** Fleet Garden Centre Fleet Road Fleet

**Applicant:** Applegate Homes (Lincs) Ltd **Agent:** Clive Wicks Associates

**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=H05-0871-17>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 Issues raised merit Committee consideration.

### **2.0 PROPOSAL**

2.1 Full planning permission is sought for residential development (9 dwellings), consisting of 5 no. 4 bed detached houses, 1 no. 3 bed bungalow and 3 no. 3 bed terraced houses.

2.2 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 a site further to the east on the fringe of Fleet Hargate, identified as Fleet Road Nursery on the Council's GIS system, whereas the application site is identified as Fleet Road Garden Centre. The pre-application advice 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.

### **3.0 SITE DESCRIPTION**

3.1 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.

3.2 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.

## 4.0 RELEVANT PLANNING POLICIES

### 4.1 The Development Plan

#### South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

SG1 General Sustainable Development  
SG2 Distribution of Development  
SG3 Settlement Hierarchy  
SG4 Development in the Countryside  
EC3 Existing Employment Areas/Premises  
HS4 New Housing in Spalding and the Area Centres  
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  
SG16 Parking Standards in New Development  
SG17 Protection of Residential Amenity  
SG18 Landscaping of New Development

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.

#### National Guidance

#### National Planning Policy Framework (NPPF), March 2012

Paragraphs 7 and 8 - Achieving Sustainable Development;  
Paragraph 14 - The Presumption in Favour of Sustainable Development;  
Paragraph 17 - Core Planning Principles;  
Section 6 - Delivering a Wide Choice of High Quality Homes;  
Section 7 - Requiring Good Design;  
Section 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;  
Section 11 - Conserving and Enhancing the Natural Environment.

#### Planning Practice Guidance (PPG), 2014

## 5.0 RELEVANT PLANNING HISTORY

5.1 None

## 6.0 REPRESENTATIONS

### 6.1 Fleet Parish Council

No objections.

### 6.2 LCC Highways/SUDs

Request further details relating to foul and surface water drainage.

6.3 South Holland Internal Drainage Board

Would like the applicant to confirm and provide a plan of the route that the foul drainage from the development would take. Would also like a more detailed and definitive drainage plan that also includes a plan for the route of surface water.

6.4 Environment Agency

Request finished floor levels to be no lower than 300mm above existing ground level with flood resilience and resistance measures. Advise that future occupants sign up to Floodline Warnings Direct.

6.5 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.

6.6 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 collections to be carried out from outside individual properties without the need for communal collection points at the point where private driveways adjoin public highways. If not utilised correctly communal collection points become areas of dispute for residents of adjacent properties.

Should it be agreed that communal collection points will form part of this development the position of those collection points should be made clear to the potential occupiers of the properties nearby. This should not just be to the properties that will need to use the collection points but also the ones who will have them outside their properties.

6.7 LCC Archaeology

No input.

6.8 Public

Objections received from the owner/occupiers of The Grange and 98 Fleet Road (summarised): Open countryside with nearest settlement boundaries some 0.5 and 0.3 miles away from the site; Nursery on horticultural land and not suitable for a residential "complex"; Not identified as suitable for housing within forthcoming Local Plan; Within area of sporadic development; Overdevelopment - at odds with surroundings; Overlooking/lack of privacy; Located off a fast stretch of road with a record of numerous collisions and accidents.

6.9 Applicant

Modest development comprising 9 residential units would make the most efficient use of the site whilst providing a sustainable form of development which would contribute to the established community within the area; 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; Although the site is located between two settlements, it does not occupy an isolated position. There are sporadic groupings of dwellings which form short linear patterns of development, or clusters. The site also has a close relationship with two existing dwellings on either side; Existing business no longer viable/sustainable.

7.0 **MATERIAL CONSIDERATIONS**

- 7.1 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.
- 7.2 Principle/Sustainability
- 7.3 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.
- 7.4 No case has been put forward in terms of the above. Consequently, the proposal does not comply with Policy HS7. This policy is in accordance with Paragraph 55 of the National Planning Policy Framework, 2012 which seeks to avoid new homes in the countryside unless there are special circumstances.
- 7.5 However, the Council does not currently have a five-year supply of deliverable housing sites. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date if a local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.6 Paragraph 49 of the Framework goes on to stress that, in the absence of a five year supply, housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 also states that there is a presumption in favour of sustainable development and, where the relevant policies are out of date, 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. Paragraphs 7 and 8 explain that the three mutually dependant dimensions to sustainable development are social, economic and environmental.
- 7.7 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.
- 7.8 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.
- 7.9 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 is situated to the west within spacious grounds. It is considered that the replacement of existing rural buildings with a small 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.
- 7.10 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, 2012, which seeks to protect the character of the countryside and ensure that new development is in character with its surrounds. Paragraph 17, for example, indicates that

planning should recognise the intrinsic character of the countryside.

- 7.11 It should be noted that the South East Lincolnshire Local Plan (SELLP) is currently under preparation and that it aims to provide a 5 year supply of deliverable housing sites. The South East Lincolnshire Local Plan 2011-2036 (Publication Version - March 2017) defines Holbeach as a "Main Service Centre". However, the site is well outside the defined settlement limit. If permitted, it 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.
- 7.12 The SELLP is now at an advanced stage with an examination in public currently taking place. Paragraph 216 of the Framework states that from the day of publication decision-takers can give weight to relevant policies in such plans.
- 7.13 It is acknowledged that the site was mistaken for another during pre-application discussions and that the advice given did not relate to this particular site. However, the agent does not appear to have taken the pre-application advice into consideration when preparing the application, which was submitted some 18 months later. The application form indicates that no pre-application advice was sought and the Planning, Design and Access Statement states that "whilst the site is located in an area which would be defined as countryside, it would sit between Main and Minor Service Centres". It doesn't indicate that the site is allocated for housing. The 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.
- 7.14 Residential Amenity
- 7.15 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 dormers 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. Plot 6 is a bungalow. 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.
- 7.16 Highway Safety
- 7.17 Plots 1 and 7 would have accesses 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.
- 7.18 Flooding
- 7.19 The site falls within Flood Zone 3a (High Probability) within the Environment Agency's Flood Maps. However, it ranges between "No Danger" and "Danger for Some" within the Strategic Flood Risk Assessment, which takes into account existing flood defences. There are few other sites that are readily available within the Holbeach area that would be sequentially preferable in both flood risk and sustainability terms.
- 7.20 In terms of the exceptions test, the Environment Agency has requested that finished floor levels to be no lower than 300mm above existing ground level with flood resilience and resistance measures.
- 7.21 Drainage

7.22 Foul water from the scheme would be discharged into individual package treatment units. 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.

### 7.23 Contamination

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

### 7.25 Conclusion

7.26 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. However, these matters are outweighed by the harm that the proposal would cause in terms of the loss of an existing 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 small 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.

7.27 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.

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

## 8.0 RECOMMENDATIONS

8.1 Refuse permission

## 9.0 REASONS FOR REFUSAL

1. 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.

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. It is therefore contrary to Policies SG1, SG2, SG4, HS7 and SG14 of the South Holland Local Plan and Paragraphs 7, 8, 9, 14, 17, 49 and 55 of the National Planning Policy Framework, 2012. Paragraphs 14, 17 and 49 indicate that new housing should be in a sustainable location and contribute towards protecting and enhancing the environment. Paragraph 17 indicates that planning should recognise the intrinsic character of the countryside.

2. The determined plans are:  
Dwg. nos. 16-2335-01, 16-2335-02A, 16-2335-03, 16-2335-04, 16-2335-05, 16-2335-06, 16-2335-07, 16-2335-08, 16-2335-09 and 16-2335-10;  
Flood Risk Assessment by P M Associates dated July 2017.

**Lead Contact Officer**

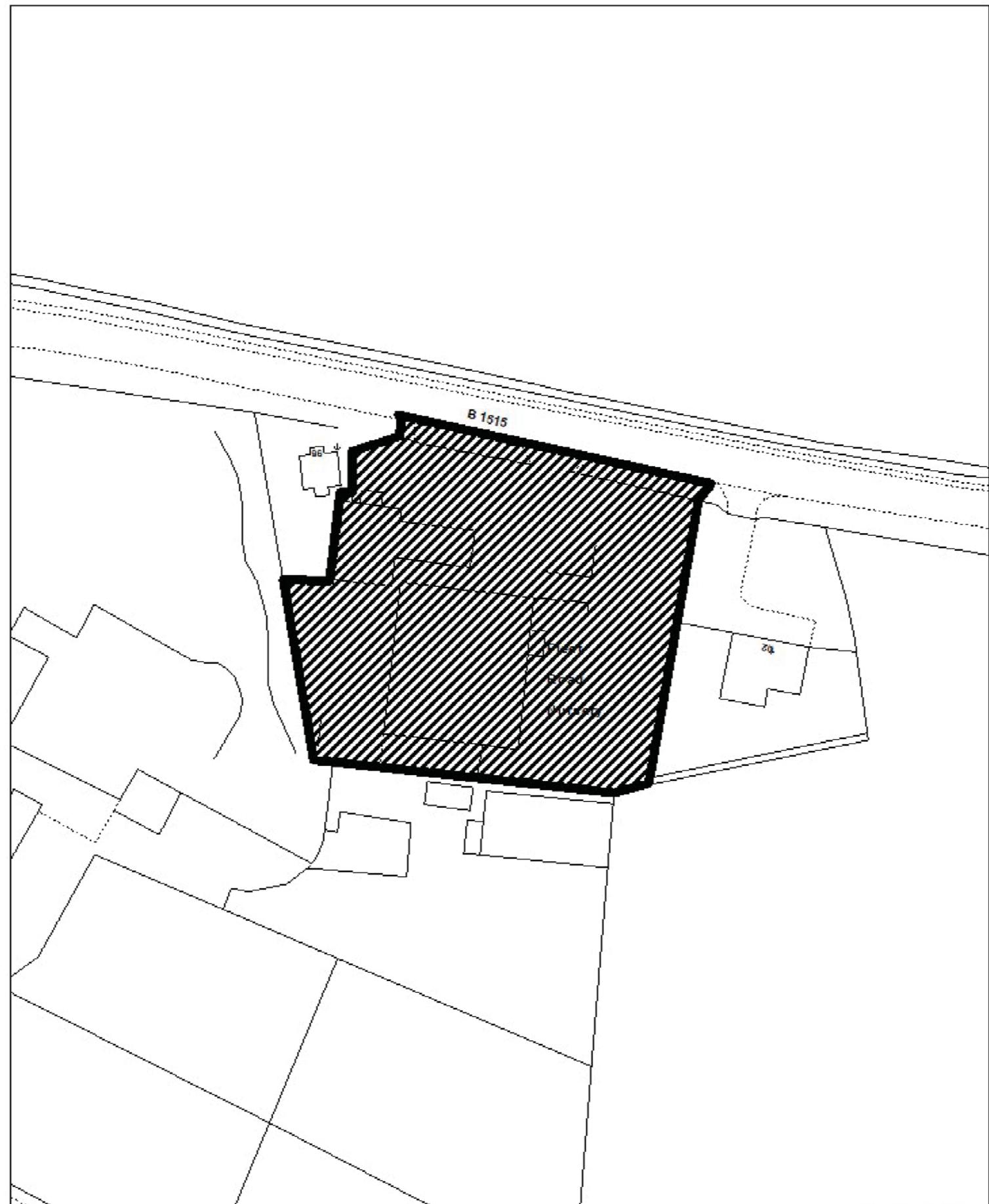
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**Appendices attached to this report:**

Appendix A Plan A



Scale: 1:1000

December 2017

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