DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0218-21**	**Applicant:**	**Mr P R White**
Proposal:	Replacement Dwelling		
Location:	Willow House Bens Gate Fleet		
Terminal Date:	26th April 2021		

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
11	Distribution of New Housing
22	Replacement Dwellings in the Countryside
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 11, 12, 14 and 15

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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

The site has the benefit of planning permission for a replacement dwelling in the form of a large 5 bed house of traditional 19th Century design (ref. H05-0568-16 and H05-1067-19). This application is for alterations to the scheme, including revisions to the fenestration and the addition of an attached double garage, with accommodation above.

Site Description

The site is located on the western side of Bens Gate and is currently vacant. It was formerly occupied by a house, which has now been demolished. There are no immediate neighbours.

Consultation Responses

Fleet Parish Council

No response

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

If 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).

Environmental Protection

No comments or objections

LCC Archaeology

Recommend conditions.

Public

Resident comments/observations received (summarised):
Busy road; Constant stream of HGVs and heavy farm traffic day and night will create noise/disturbance, vibration and subsidence issues; Noise from gas gun bird scarers, etc; Request swift boxes.

Planning History

H05-0568-16 - O/A - Replacement dwelling - Granted 2 November 2016.

H05-1067-19 - RM - Erection of replacement dwelling (outline approval H05-0568-16)- Approved 13 January 2020.

Planning Considerations

The site has an extant planning permission for a replacement dwelling (ref. H05-0568-16 and H05-1067-19). The principle of a replacement dwelling upon the site has therefore been established.

The proposal is a modification of a previously approved scheme. Its design is traditional and based on a 19th Century farm/manor house. It would be constructed in Terca Olde Farndale Multi bricks, with a Sandtoft Single Pantile roof. The windows would be cream uPVC sliding sash on the front elevation and cream uPVC casements on other elevations. The proposal reflects traditional vernacular and is considered acceptable in terms of design/appearance, subject to the installation of conservation grade windows.

In terms of amenity, there are no immediate neighbours. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. Concerns have been raised concerning traffic noise/disturbance. However, the level of activity is not considered to be such as to justify refusal on these grounds.

There is no firm evidence that vibration caused by HGVs and agricultural traffic is causing structural damage to properties along Bensgate. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

The site is within Flood Risk Zone 3 on the Environment Agency Maps. However, the South Holland Strategic Flood Risk Assessment designates the site as no hazard. The proposal therefore satisfies the sequential test. Finished floor levels would be set at 3.40m aOD which is approximately 300-400mm above the carriageway level of Bensgate.

Foul water would be disposed of to a private sewage treatment plant, with an outfall to a drain. Such an arrangement would require separate approval from the SHIDB. Surface water would be disposed of via soakaways.

LCC Archaeology have indicated that the site is in an area of archaeological interest, located close to the site of a possible motte and bailey castle on the other side of Bens Gate. This is thought to have been a manorial centre from the Saxon periods onwards. A specification has been submitted with this application for a scheme of archaeological works consisting of monitoring and recording during groundworks for the development. This meets the necessary requirements. LCC Archaeology recommend the imposition of standard archaeological conditions.

It has been requested that the proposed houses include swift nesting boxes. Both the South East Lincolnshire Local Plan, 2019 and National Planning Policy Framework indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Planning Balance

The proposal satisfactorily complies with Policy 22 (Replacement Dwellings) of the South East Lincolnshire Local Plan. The proposal is considered acceptable on amenity highway safety and flood risk grounds. Archaeology can be addressed by means of conditions. Concerns have been raised on grounds of traffic noise/disturbance and possible structural damage. However, these issues are not considered to be such as to outweigh factors in favour of the scheme.

Conclusion

The planning balance lies 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.

Recommendation

That the application be approved under delegated powers.