DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0361-22**	**Applicant:**	**Applegate Homes (Lincs) Ltd.**
Proposal:	Erection of 9 two-storey dwellings and associated infrastructure		
Location:	Land At Fleet Road Fleet Hargate Spalding		
Terminal Date:	16th September 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
11	Distribution of New Housing
28	The Natural Environment
29	The Historic 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 2021

Section 2. Achieving sustainable development.
Section 3. Plan Making.
Section 4. Decision making.
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	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
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

The site has the benefit of a detailed, extant permission consisting of an outline permission (ref H05-0585-17) and a subsequent Approval of Reserved Matters (ref H05-0835-21) for the erection of 10 no. 3 bed houses. The extant permission was amended during its consideration to provide an extended adopted highway, including the necessary footway to serve the development and a turning head.

The current proposal is for 9 no. dwellings consisting of 5 no. 4 bed detached houses and 4 no. 3 bed semi-detached houses. The scheme incorporates an adopted road plus turning head measuring 62m serving the first 3 dwellings (plots 1,2 and 3) and the remaining 6 dwellings (plots 4-9) served by a private drive. The reason for the revised scheme is outlined below (see information from applicant).

SITE DESCRIPTION

The site (some 0.54ha) is agricultural land on the northern fringe of Fleet Hargate. Further land is situated to the north and thereafter the A17. Residential development is situated to the south, including dwellings off Old Barn Court. The Bull, Laurel House and The Laurels (all grade II listed) are situated further to the south off Old Main Road. The site is inside Fleet Hargate Conservation Area.

PLANNING HISTORY

H05-0585-17 - O/A - Residential development - maximum 10 dwellings - Granted 10 August 2018.

H05-0681-20 - C/C - Details of surface water drainage (Condition 10 of H05-0585-17) - Approved 15 October 2020.

H05-0835-21 - RM -Erection of 10 dwellings and associated works - outline approval H05-0585-17 - Approved 20 December 2021.

REPRESENTATIONS

Fleet Parish Council

This area of land was originally granted outline planning permission for 10 dwellings. This present

application is for 9 but there are serious concerns.

Access and egress comprises an adopted roadway and non-adopted which directly impacts on refuse collection from dwellings 4-9. These householders will literally need to take their waste to a collection point which will then be picked up by the Council. Something not ideal as Holbeach House in Fleet will confirm. Such a collection system is an invitation for rats from split bags and resulting smell issues due to the manhandling aspect of the waste bags. Hygiene issues particularly with those with young families.

Since this is a material consideration it needs in our view more consideration by the developer and on this basis, Fleet Parish Council object to the application in its present form. It is accepted that the developer has considered that fire tenders can use the unadopted roadway in case of emergencies so maybe the same could apply for waste trucks etc to resolve this material valid concern.

LCC Highways/SUDs

Request conditions.

South Holland Internal Drainage Board

No objections with the principle or detail of the proposed drainage systems. The proposed development will require land drainage consent in line with the Board's byelaws and the Land Drainage Act 1991.

Environmental Protection

No comments or objections.

LCC Historic Environment Officer

No archaeological impact.

Public

Resident comments received (summarised):
- Consideration should be given to building a roundabout from the B1515 to the A17 due to the increase in the number of new residents, and consequently the number of cars. Even now there are difficulties for transport when using this intersection.
- What will happen to ground beyond plot 9 - will it be left to grow wild? Could turn into a hazard to other buildings nearby such as a fire risk.

Information from Applicant (summarised)

The proposed development is for up to 9 two-storey dwellings and there is an extant permission for 10 on the same site area.

The extant permission was amended during its consideration due to the Council's new guidance on refuse collection and private drives to provide an adopted highway, including the necessary footway to serve the development. This resulted in an adoptable road and footway 106m long plus an adoptable turning head. The impact on the character of the development was considerable and resulted in a road dominated development, to the detriment of the character of the Fleet Hargate Conservation Area. The amendment was made to the reserved matters application in order achieve an approval and preserve the outline planning permission.

This current proposal therefore incorporates an adopted road plus turning head measuring 62m serving the first 3 dwellings (plots 1, 2 and 3) and the remaining 6 dwellings (plots 4-9) served by a private drive. Plots 7, 8 and 9 are beyond the 30m refuse carry distance from the end of the adopted road, albeit that plot 7 is within 30m from the proposed refuse store. The layout is, therefore, compliant with the refuse guidance, other than for the last 3 plots. However, the overall improvement to the layout and the impact on the conservation area is considerably improved with the reduction in the road width and design. The private driveway will be constructed such that it will accommodate the weight of a fire tender.

The proposed roadway also fronts open countryside to the north (to ensure best solar gain from

south facing elevations for the dwellings) and, therefore, presents a less urban character to the edge of the settlement.

PLANNING CONSIDERATIONS

Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site adjoins Fleet Hargate Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. However, it has the benefit of an extant consent consisting of an outline permission (ref H05-0585-17) and a subsequent Approval of Reserved Matters (ref H05-0835-21) for the erection of 10 no. 3 bed houses. Permission was granted on the basis that residential development was sustainable and in accordance with Policy 1 of the SELLP.

It is now proposed to revise the scheme to 9 no. two storey dwellings, which incorporates an adopted road plus turning head measuring 62m serving the first 3 dwellings (plots 1,2 and 3) and the remaining 6 dwellings (plots 4-9) served by a private drive. No objections are raised in principle to the revision given the aforementioned.

Character/Appearance and Impact upon the Conservation Area

In terms of character/appearance and heritage issues, the site is located within Fleet Hargate Conservation Area. The Bull, Laurel House and The Laurels (all grade II listed) are situated further to the south off Old Main Road.

Policies 2 and 3 of the SELLP seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy 29 indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 199 of the Framework, 2021 states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The design of the properties incorporates traditional features such as segmental arches, brick detailing, chimney stacks and stone cills. Plots 1-2 along the frontage would be constructed in rustic red bricks with a slate roof. Plots 3 to 9 at the rear would be constructed in either a red multi brick with a red pantiled roof or a buff brick with a grey cement tile. Existing trees would be retained and new planting undertaken. The development would fit satisfactorily within the street scene. It would not harm the character or appearance of the locality or Fleet Conservation Area, nor the setting of listed buildings further to the south off Old Main Road.

Impact upon Amenity

In terms of amenity, residential development is situated to the south, including houses off Old Barn Court and two bungalows (Rose Acres and Bryn Deri) fronting Old Main Road, which are further from the rear boundary.

The house on plot 2 has an obscure glazed bathroom window on its southern elevation at first floor level with a secondary lounge window at ground floor level facing no. 3 Old Barn Court. It would be situated some 2.1 metres from the boundary. Plots 3-9 are further away from the boundary at a distance ranging between 12.7 metres (plot 8) and 15.9 metres (plots 5-6) approximately. The separation distances are considered acceptable, subject to satisfactory boundary screening.

In terms of overlooking at ground level, finished floor levels would be raised 300mm, set at 3.30m aOD. To ensure that neighbouring residents are not materially overlooked it is recommended that the southern boundary be de-lineated by 1.8m fencing with 300mm trellising above.

Taking into account the aforementioned, therefore, it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) in terms of amenity. They set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Highway Matters

Means of access has previously been agreed as part of the outline permission. The first section of roadway serving plots 1-3 would be to adoptable standards, with a private roadway thereafter. The applicant has confirmed that the latter would be suitable for an 18T fire appliance and turning areas have been provided. A refuse collection area would be provided at the end of the private drive. Each property would have a satisfactory number of car parking spaces. The County Highways Authority raises no objections on highway safety grounds, subject to a construction management plan and a 2 metre footway link to the south of the entrance.

The proposal therefore accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements. They indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces should be provided for properties with 4 bedrooms.

Refuse Collection

It should be noted that Plots 7, 8 and 9 are beyond a 30m refuse carry distance from the end of the adopted road. This element does not comply with the Council's guidance note on refuse collection and the use of private drives. Whilst not planning policy, it is a material planning consideration and links back to Local Plan Policy 2: Design of New Development. In this case, however, the overall improvement to the layout and the impact on the conservation area is considerably improved with the reduction in the road width and design, and, therefore, complies with Local Plan Policies 2 and 29. Moreover, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority has a legal obligation to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. It is a material consideration that outweighs the Council's guidance on refuse collection and private drives in this particular case.

Drainage

In terms of the disposal of surface water, infiltration has been considered but is an unsuitable technique due to the clay strata encountered and very low infiltration results. It is therefore proposed to collect water from all impermeable surfacing into a surface water drainage system for the whole site. Permeable paving would be utilised to collect run-off from driveways with an underground attenuation system. Surface water attenuation from the roofs of the dwellings would be provided in the form of tanks under the shared driveways. The scheme includes an outfall route into a riparian drain along the northern boundary (to be re-profiled) and thereafter to a new piped riparian drain running northwards across a field within the applicant's control to connect to an existing South Holland Internal Drain on the northern side of the A17. Separate Land Drainage Consent is required from the SHIDB.

Foul water would be disposed of to an Anglian Water mains sewer via an adoptable pumping station.

Other Matters

Concerning the objections raised by local residents, a roundabout from the B1515 to the A17 cannot be insisted upon within the framework of this application. The area to the east is outside the site and it is the responsibility of the owner to maintain it.

Planning Balance

The proposal is acceptable in principle and would not harm the character or appearance of Fleet Hargate Conservation area or setting of listed buildings to the south off Old Main Road. Nor would it materially harm the amenity of nearby residents in terms of overlooking/lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc.

The proposal is acceptable on highway safety/parking grounds and a satisfactory drainage scheme has been provided for the site. Although there is some conflict with the Council's guidance note on refuse collection and the use of private drives, this is outweighed by the overall improvement to the layout and the impact on the conservation area with the reduction in the road width and design bearing in mind the Council's statutory duty in this respect.

CONCLUSION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal is in accordance with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no factors in this case that are of such weight as to outweigh factors in favour of the proposal and the policies referred to above.

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, subject to conditions.