DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0372-17**	**Applicant:**	**Seagate Homes (UK) Ltd**
Proposal:	Residential development - erection of 9 dwellings		
Location:	Land Off Old Main Road Fleet Hargate		
Terminal Date:	6th November 2018		

Planning Policies

Local Plan July 2016:

SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG4	Development in the Countryside
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, 14, 15, 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
LOUISE JENNINGS HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	4	0	0	11

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for residential development (9 dwellings) consisting of 6 no. 3 bed houses and 3 no. 4 bed houses. The application is accompanied by a Flood Risk Assessment and Heritage Impact Assessment.

Foul water would be disposed of via the mains sewer. Surface water would be disposed off via a new drain over neighbouring land to the north that would connect to a South Holland Internal Drainage Board Drain via a LCC Highways culvert under the A17.

Description

The site (some 0.44ha) is grassland located on the northern side of Old Main Road, Fleet Hargate. Hedging and a bus stop are located along the site's frontage and a drain plus a number of trees (including 2 preserved Oaks) are situated along its northern boundary.

A bungalow is situated to the west and a house to the east. Residential properties are situated to the north off Lowgate and also opposite.

Policies/Constraints

The site's frontage is within Fleet Hargate Development Boundary as defined in the South Holland Local Plan, 2006. It is within Fleet Hargate Settlement Limit as defined in the South East Lincolnshire Local Plan 2011-2036 (Publication Version - March 2017).

The site is also inside Fleet Hargate Conservation Area. Listed buildings (grade II) are situated opposite (Ivy House) and further to the east (The Cottage) and west (The Laurels and Laurel House).

The site lies within Flood Zones 2 and 3a on the Environment Agency Map but within an area of no hazard within the SHDC Strategic Flood Risk Assessment (2017).

Representations

Fleet Parish Council - Councillors are concerned that the amendment shows an open dyke to the A17 culvert for storm water outlet from the site which is not within the sites "red line" and therefore not in the applicant's control as it relates also to another planning permission close by and is reliant on their construction of the open dyke and improvements to dykes to the north of the A17.

Please can you advise whether it is acceptable to link two planning permissions together in this way?

Also if floor levels of the proposed new properties need to be lifted, how will this affect neighbouring properties regarding water run off and overlooking ?

The bus stop repositioning is also of concern, we assume it will be moved westwards and not towards the busy Eastgate junction?

LCC Highways/SUDs - Awaiting formal reply.

SHIDB - I note the presence of a riparian owned/maintained watercourse adjacent to and within the site boundary. As works are proposed to alter the watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4)

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that the required consents are sought prior to determination of the planning application.

On the specifics of the proposal I would like to bring the following matters to your attention.
· It is unclear how the site can rely on drainage improvements proposed as part of an nearby permission (HOS-0585-17) without the approval and legal agreement of the adjacent landowner. This should be sought at the earliest opportunity as without this evidence it is questionable that this site can, in principle, drain the surface water arising from the development of new impermeable surfaces. Without a connection it would unquestionably lead to an increase in flood risk on site and elsewhere, contrary to the requirements of the NPPF.
· The role of the existing drainage spur running West to East towards Lowgate is in our view inadequate as the pipe within Lowgate does not seem to function or convey water in normal circumstances. This pipe also seems to be of variable size, in multiple ownership, and of indeterminate condition. Our recommendation is that in the interests of reducing flood risk that this route should not be relied upon by any development and that it should be appropriately regraded East to West away from the existing properties into the proposed new system running North towards the Al 7.
· The implementation of any drainage improvements in this location need to be supported by topographic survey information particularly on the line of the proposed new watercourse. The reason for requiring this information is that the discharge of water from this site would necessitate a positive gravity connection to the culvert under the A17. It therefore needs to be demonstrated that the proposed new ditch system can be constructed to convey water to this point. Without design and surveyed levels this is impossible to determine.
· Any proposed discharge point should be located in the watercourse at the North West corner of the site to ensure its flows are conveyed to the north by the proposed new drainage system
· We also note that as part of the other permission (H0S-0585-17) it was highlighted that a section of existing drain to the north of the A17 culvert would require improvement. Again as drainage from this site is reliant on permission for this improvement work being forthcoming and the work being carried out it is essential it is demonstrated that this is achievable.

I would recommend this information is provided prior to determination of this permission and not conditioned as the ability to demonstrate this site can drain is dependent on the findings of the investigations recommended.

SHDC Nature Conservation Officer - There are a number of significant trees on the northern boundary which should be retained, including two preserved Oaks. One of the Oaks is partially within the drain. Any re-digging of the drain should be around the tree taking care not to damage the tree.

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

Environment Agency - Flood Risk Assessment appropriate to the scale, nature and location of the proposed development.

Anglian Water - No comments.

LCC Archaeology - This site lies within the medieval settlement of Fleet Hargate and any development here could reveal archaeological remains that could inform us of the development of the settlement during this period. Therefore given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works, which could be secured by means of conditions.

Public - Objections/concerns received from local residents (summarised):
No amenities within village; Increase in traffic; Not enough parking so cars will park on Old Main Road; Road already blocked by parked vehicles - do not want driveway blocked; Where will construction vehicles park during the day; Kerb needs to be lowered; Site should not be raised like Nestwood development opposite; Overlooking/lack of privacy; Site within Flood Zone 3; Dykes will not be able to cope with additional surface water; Field already frequently waterlogged during wet weather; Existing drain inadequate with standing water; Proposal accentuate risk of flooding of neighbouring property; New drain running alongside neighbouring property boundaries; additional development (total of 19 new homes including site to west) serving a new drain should avoid the risk of surface water flooding on and damage to adjoining property, plus any environmental risk from standing water and/or poor maintenance (eg, pollution, odour, vermin, structural movement, etc); Drain would be put under additional pressure; Should be managed and maintained efficiently; Flow into existing ditch to east would not alter; Plan shows open ditch in Lowgate - would it run parallel to existing pipe; New open ditch on third party land - has agreement been reached; Does the new culvert under the A17 meet new water flow rate demands; Existing drain/junction never been cleared or cleaned; Alternative piped drain would be a better option; The margin for error on drainage design is seen to be very low - A detailed drainage engineering feasibility is needed and the new ditch should be completed and be operational prior to any development of this site; Oak trees and other mature trees should not be affected - attract wildlife; Will conifers be removed; Sustainable drainage should be used and water re-used; Foul water will need to be pumped; Recall dumping pit on site; No mention of affordable/social housing; Part of hedge removed; Why is there a void on the east side of the plans - will become a dumping ground and overgrown; Where will bus stop and telephone/power pole be moved; New boundary screening required; Nearby soakaway should not be affected/damaged; Devaluation of property.

Material Planning 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 its effect upon the setting of Fleet Hargate Conservation Area and also nearby listed buildings.
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including drainage, flooding, contamination and archaeology.

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 rear section of the site is located outside Fleet Hargate Development Boundary as defined in the South Holland Local Plan, 2006. Policy HS7 states that new housing development outside a defined development boundary will only be permitted where it is to meet the needs of agricultural or other rural workers or is small scale rural exception housing that complies with Policy HS9. The proposal is not required to meet the essential needs of an agricultural or other rural worker, and would not deliver rural exception affordable housing.

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 proposal would contribute towards housing supply and future occupants may work locally and support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

A Social Role - the proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. The site is within/adjacent the existing built up area of Fleet Hargate. The latter is defined as a Group Centre in the South Holland Local Plan, 2006. The settlement has some local services and facilities, albeit limited. The site is considered to be reasonably accessible to these services. It is also predominantly within the settlement limit within the South East Lincolnshire Local Plan 2011-2036 (Publication Version March 2017), which defines Fleet Hargate as a Minor Service Centre. It is also on a public transport route. It is therefore considered acceptable in locational terms.

An Environmental Role - The site is within Fleet Hargate Conservation Area. Listed buildings (grade II) are situated opposite (Ivy House) and further to the east (The Cottage) and west (The Laurels and Laurel House). The scheme is of relatively low density and is considered appropriate to this part of the village. The house on plot 1 is of traditional design/appearance and would fit satisfactorily within the street scene. It is considered that the proposal would not harm the character or appearance of Fleet Hargate Conservation Area or the setting of nearby listed buildings.

The proposal would result in the loss of high-quality agricultural land to housing. However, in order to deliver the Council's required 'objectively assessed housing need,' as per the provisions of the Framework, it is inevitable that some high-grade agricultural land will be lost. Given this context, it is not considered that the loss of this amount of agricultural land in this location is an issue that would significantly and demonstrably outweigh the benefits of housing development, and thus represent a valid reason for refusal in this instance.

Residential Amenity

A bungalow is situated to the west and a house to the east. Residential properties are situated to the north off Lowgate and also opposite.

The proposed houses have various combinations of bedroom, landing, bathroom and en-suite windows on their rear elevations at first floor level. It is noted that the properties on plots 5, 8 and 9 in particular are relatively close to the boundaries. In respect of rear first floor windows on plot 5, they are some distance from the rear of the neighbouring property to the north (Amendoeiras), plus there is some tree cover along the northern boundary. The dwelling on plot 8 faces the side of the neighbouring bungalow (Staughton Lodge). The house on plot 9 overlooks a rear garden area to the east, so overlooking of the rear of Staughton Lodge and Suffolk Cottage would be oblique. Windows facing south towards Haven House are secondary bedroom windows. It is considered that the relationship of the dwellings to and/or separation distances from neighbouring residences are such that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc. This is subject to appropriate boundary screening.

Property devaluation is not a material planning consideration.

Highway Safety

The dwellings would be served by an adopted road off Old Main Road. Concerns have been raised over parking issues by local residents. However, LCC Highways has been consulted and raises no objections on highway safety grounds, subject to conditions. They include a surface water drainage scheme based on sustainable principles.

Other Material Considerations

Drainage - Foul water would be disposed of via the mains sewer. Surface water would be disposed off via a new drain over neighbouring land to the north that would connect to a South Holland Internal Drainage Board Drain via a LCC Highways culvert under the A17. An existing riparian drain running along Lowgate cannot be utilised because of a blockage. The applicant has submitted a

copy of a covenant that seems to indicate that the applicant has a right to construct and maintain a surface and storm water pipe over the neighbouring land to the north. If permission was forthcoming the disposal of surface water could therefore be addressed by means of a pre-commencement condition. SUDs has raised no objections to this arrangement and has recommended a condition relating to this matter.

Flood Risk - The site lies within Flood Zones 2 and 3 on the Environment Agency Map but within an area of no hazard within the SHDC Strategic Flood Risk Assessment (2017). The proposal therefore satisfies the sequential test. In terms of the exceptions test, finished floor levels 300mm above existing ground levels are recommended.

Contamination - Environmental Protection has requested a contaminated land condition due to the previous use of the site.

Archaeology - The site lies within the medieval settlement of Fleet Hargate and any development here could reveal archaeological remains that could inform us of the development of the settlement during this period. LCC Archaeology has therefore recommended that the developer should be required to commission a Scheme of Archaeological Works, which could be secured by means of conditions.

Ecology - Existing trees along the northern boundary should be retained as far as possible, especially the 2 preserved Oak trees.

Conclusion

The proposal would help to provide the supply of housing required to meet the needs of present and future generations. The site would be accessible to Fleet Hargate's services and facilities and is close to a public transport route. The development would not harm the character/appearance of Fleet Hargate Conservation Area, or the setting of nearby listed buildings. It would not have a material effect upon the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc. LCC has not objected on highway safety grounds, subject to conditions. Drainage can be addressed by means of conditions. The proposal is therefore in accordance with advice within the National Planning Policy Framework, 2018.