

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H05-0659-21	Applicant:	Mr & Mrs P Kierman
Proposal:	Erection of 2 houses and garages		
Location:	Adj. The Chestnuts Off Hallgate Fleet		
Terminal Date:	12th August 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
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Sections 12 and 16 of the National Planning Policy Framework (2021)

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	0	0	0	1

BOARD				
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal is for the erection of two separate self contained dwellings with associated garages as well as the creation of a shared driveway, sourcing its access from Hall Gate.

The proposed properties are intended to be identical in terms of design. The design is 3-bay in nature with the front elevations featuring 3 large floor-to-roof contemporary glazed protrusions, with the central one of these being taller by virtue of an eaves pitch perpendicular to the proposed roof, and also wider, set within a hardwood frame, in contrast to the flat roof and rendered finish of the two diminutive flanking protrusions. This principle wing of the building will feature an East-West oriented roof pitch with Dutch style gables on East and West elevations, and a single chimney stack on the Eastern elevation.

The properties will feature a rectangular footprint, but the 2nd storey element of the property will be 'L shaped' with a 1st floor protrusion which extends 6.365m from the rear elevation of the primary element of the structure, this 'wing' at the 1st floor level will include an ensuite, bedroom and balcony. The rear facing gable will be finished in dark grey wood effect panelling throughout and the gable of the 1st floor protrusion will feature a floor to ceiling gable-fitting window, forming almost the entirety of that gable.

A single-storey element will also protrude from the rear of the principle wing of the property and will fit flush with all relevant elevations, effectively 'infilling' the gap between the rear of the principle wing and the 2-storey rearward protrusion. This single storey element will be flat roof in design, featuring 2 rectangular roof lanterns. The rear elevation, as discussed in the paragraph above, will be finished in dark grey wood effect panelling and will feature 3 large sliding glass doors.

To the rear of each property there will be a single garage featuring workshop and shower room. Both garages will be West facing, backing up against the road and are designed to feature black shiplap effect boarding, set on brick walls, with exposed bottom courses giving the appearance of a dwarf-wall. The garage doors will be black and of the standard garage door format, framed within a hardwood frame, referencing the design of the central glazed protrusion on the front of the properties. These garages will be connected to the shared access road via 'L-shaped' driveways along the Western borders of the site.

The Southern property does differentiate from the Northern in that the proposal includes an expanded slate patio with a central sunken fire pit and seating area.

Site Description

The site is currently a patch of rough open ground surrounded by a ditch. This area of the conservation area is largely characterised by modern late-C20 properties, built to largely heritage sympathetic designs.

Additionally, the site sits within close proximity to the Grade I listed Church of St Mary Magdeline and the separate Bell tower which is also listed to a grade I standard. Both of these sites are almost directly to the North of the proposals. Additionally, the proposals are close to several buildings of local heritage - Battleford Hall, The Chestnuts and the Crooked Billet.

History

H05-0905-19

Proposed 2 houses and garages. Approved on 25-11-19

H05-0555-20

Proposed 2 houses and garages - approved under H05-0905-19. Removal of Condition 12 relating to 1.8m footway. Refused on 14-09-20

Consultation Responses

Local Residents

3 objections have been received from 2 local residents. These can be summarised like so;

- Visiting vehicles such as delivery vans e.t.c will not bother driving down the new access road and instead will park across Hall Gate
- Turning vehicles would damage private property
- No arguments presented for the loss of the originally proposed footpath
- Vehicles will have poor sightlines when exiting the site.
- Site is prone to waterlogging and flooding. A dyke needs constructing to match that which was previously on site.
- Design of buildings is not appropriate to the conservation area setting
- Site's rural setting is not being taken into account.

Public Comments

A member of the public has commented on this application to request that the proposed development include provision for swift bricks.

Lincolnshire County Council Historic Environment Officer

The proposed development is within the historic centre of the medieval settlement of Fleet. The origins of this settlement was in the Anglo-Saxon period, with the village recorded in the Domesday Book of 1086. The site is a short distance from the 12th century church of St Mary Magdalene, in an area where previous settlement and activity is to be expected, and close to the location of archaeological remains discovered during work carried out in association with previous developments. It is likely that similar archaeological remains may survive on this site, which could be destroyed during development.

Therefore given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, 02 and 03. This should ensure that any remains are recorded prior to their destruction.

South Holland Internal Drainage Board

The applicant has not yet had a drainage strategy or plan produced. It is suggested that the applicant should explore this and support with a ground investigation. If on-site material is found to be suitable, then testing should be taken in line with BRE 365 should be carried out to determine efficiency.

If water is to be discharged to a watercourse, then the development will require land drainage consent in line with the board's byelaws and any consent will be dependent upon the payment of a surface water development contribution.

If any changes are ever proposed to the riparian watercourse adjacent to the site boundary, consent would be required under the Land Drainage Act 1991.

Lincolnshire County Council Lead Local Highways and Flood Authority

Highways informatives HI03 and HI08 shall be applied to any approval. Previous requirement for footpath no longer required after submission of evidence that it would not be practically possible to construct.

Planning Considerations

Resident objections

I shall address the resident objections as presented above, in order;

- Vehicles parking on the roadside: With regards the potential for traffic caused by this development, the Lincolnshire County Council Highways Authority have been consulted and have found no reason to object to these proposals. Furthermore, both properties would accommodate significant driveways, both private and shared, giving ample room for residents and visitors to park off of the highway. With both of these factors considered, the daily comings and goings of traffic from the site are not considered to be material reasons to refuse permission.

- Vehicles turning will damage the public and private infrastructure on the other side of the road: The applicant has proposed a vehicular access which features a wide splay, which should allow standard vehicles ample room to manoeuvre without impacting upon the opposite pavement bank. Furthermore, the Lincolnshire County Council Highways Authority have been consulted and raised no objections. The applicant will also be required, to agree the details of the access with the Highways Authority, separately.

- No justification for the loss of the previously proposed footpath: The Lincolnshire County Council Highways Authority have been made aware of quotation details from Vere Bros Ltd. which satisfactorily supports the claim that to build a footpath in this location would be unviable. The LCC Highways Authority were satisfied by this and have thus removed this requirement.

- Vehicles exiting the site will have poor sightlines: The applicant has proposed a vehicular access which features a wide splay, which should allow standard vehicles wider sightlines when exiting the site. Furthermore, the Lincolnshire County Council Highways Authority have been consulted and raised no objections.

- Site is prone to waterlogging and flooding: Unlike the previously approved application, the applicant has, in this instance provided a fully detailed drainage plan, featuring locations of soakaway crates and other drainage material. The Lincolnshire County Council Lead Local Flood Authority and the Local Internal Drainage Board have both been consulted and raised no objection.

- Design of buildings is not appropriate to the conservation area setting: The function of a Conservation Area is not to establish a design orthodoxy within an area, and is, instead to preserve local distinctiveness and the use of quality, vernacular materials wherever practical.

- Site's rural setting not being considered: The site sits in a semi-rural setting, but is not itself agricultural land. This proposal puts forward no further removal of planting.

Principle of Development

The site is within the agreed upon defined settlement boundary as outlined in inset map 33 of the South East Lincolnshire Local Plan (2019), meaning that residential development is acceptable on this site. As the site is within the Fleet Conservation Area, provided that the development is of high quality and sympathetic design, the principal of development is acceptable.

Flood risk

The applicant has provided an independently produced Flood Risk Assessment alongside their application, the results of which show that the site is at no great flood risk when compared to surrounding properties. In terms of drainage, it should be noted that the local Internal Drainage Board has been consulted and has not raised any concerns over the principal of development on the proposed site.

Vehicle Access

The Local Planning Authority recognises that local residents have raised concerns over the access to the road in terms of the width of Church end and limited sightlines which both could impair access and safety when merging onto the road from the driveway. However, the applicant has proposed a junction with splay which should help to alleviate issues regarding turning circles of larger vehicles

and allow for improved sightlines when exiting the site. In addition, the Highways Authority has raised no objections to the principal of the access, but have requested that an advisory condition be applied to any approval notifying the applicant that they will need to apply to the Highways Authority for the proposed new access, whereupon the details of the access will be assessed in greater detail by the Highways authority.

Heritage Impact

The Local Planning authority considers that there is no detrimental impact to the character and qualities of any nearby Designated or Non-Designated heritage assets presented by this application. This is because the proposal appears to be of a high level of design quality, featuring many traditional design elements which should make the proposed properties highly sympathetic to its surroundings and the Fleet Conservation Area (FCA) at large. The inclusion of traditional elements to compliment the modern design, such as the Dutch gables, traditional red brick, slate roof (matching the standard of the FCA) and metal windows is especially appreciated.

Additionally, as the proposed site is currently underused and has become a patch of overgrown rough ground, it is felt that bringing this site into regular, residential use will act to 'tidy up' a site within the FCA, which should be an enhancing force upon the character of the area.

For the reasons listed above, it is considered that the development will both CONSERVE in part and ENHANCE the qualities and significance of the FCA.

Design and Layout

The Local Planning Authority seeks no amendment to either the design or Layout of the proposal. This is because, as outlined above, it is felt that the proposal is of a high quality design within its surroundings. Additionally, it is felt that the proposed layout is appropriate to serve the properties' proposed use as residential units.

Residential Amenity

It is considered that the proposed development presents no risk to the residential amenity of any nearby residential properties, this is because the proposed units will be placed far enough away from neighbouring properties and one another that there could not reasonably be claimed that they will present any risk of either overshadowing or overlooking to any residential properties.

The Local Planning Authority must also consider the residential amenity of proposed residential properties. It is not considered that any nearby extant properties would present an overlooking or overshadowing risk to either proposed buildings and it is clear that given the large size of the plot, both proposed properties would have large amenity space.

Parking Provision

Both proposed properties feature a large driveways accompanied with large garages. Therefore these proposals ensure that the parking provision requirements for such properties are met in accordance with policy 36 and appendix 6 of the South East Lincolnshire Local Plan (2019).

Conclusion

For the reasons listed above it is determined that this application is in accordance with policies 1, 2, 3, 4, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2021). Therefore, this application is recommended for APPROVAL

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.