

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0835-21 **Applicant:** Mr P Franks

Proposal: Erection of 10 dwellings and associated works - outline approval H05-0585-17

Location: Land At Fleet Road Fleet Hargate Spalding

Terminal Date: 23rd December 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
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	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	1	0	2

CASE OFFICER ASSESSMENT

Proposal

At the time of submission of this application the site had outline planning permission for residential development (maximum of 10 dwellings), including details of means of access. Application ref. H05-0585-17 refers. Reserved matters approval is now sought for 10 no. 3 bed houses.

Site Description

The site (some 0.57ha) 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.

Consultation Responses

Fleet Parish Council

No response received.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHDC Housing Strategy

The Outline consent was granted at a time when developer contributions were secured on schemes of more than 10 or where they did not exceed a maximum combined gross floorspace of no more than 1000sqm. Therefore, affordable housing cannot be sought.

SHDC Building Control

Need clarification on waste collection and private drive is suitable for 18T fire appliance.

Anglian Water

No comments.

Lincolnshire Police

No objections.

Public

Resident objections/comments received (summarised):

Overlooking/lack of privacy;

Access should not be onto Fleet Road;

Access road should be further from slip road;

No footway;

Where will boundary of footway be and how will it be landscaped?

Flooding issues;

No refuse bin collection;

Area to east will be left to grow wild. Who will maintain it?

Boundary fencing should be higher than 1.8 metres

Request Swift boxes;

Blockage of view.

Planning Considerations

The principle of 10 dwellings on the site has already been established by virtue of the outline consent (ref. H05-0585-17). This application is therefore to assess the reserved matters, namely:

i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;

ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;

iii) the siting and design of any vehicular access to a highway or estate road;

iv) details of landscaping and tree planting;

v) other matters such as boundary treatment and the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reserved matters approval is sought for 10 no. 3 bed houses. The design of plots 1 and 2 along the frontage reflects traditional vernacular and the properties would be constructed in Ibstock Bradgate Red bricks with a slate roof. Plots 3 to 10 at the rear would be constructed in either a red multi brick with a natural red clay tiled roof or a buff brick with a Calderdale light grey tile. Existing trees would be retained and new tree and shrub planting undertaken to promote bio-diversity. 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.

The proposal therefore satisfactorily accords with Policies 2, 3 and 29 of the SELLP. Policies 2 and 3, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. 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.

The above policies 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. 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.

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 1 has a blank side gable facing no. 3 Old Barn Court. Plots 3-10 are further away from the boundary at a distance ranging between 13 and 15 metres approximately. The separation distances are considered acceptable, subject to satisfactory boundary screening.

Concerning overlooking at ground level, finished floor levels would be set at 3.3m aOD. To ensure that neighbouring residents are not materially overlooked it is recommended that the southern boundary be de-lined 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.

In terms of means of access, the section of roadway serving plots 1-7 would be constructed to adoptable standards, including a footway. A short private roadway constructed in permeable paving would serve the remaining 3 plots (length approximately 25 metres to plot 10). The applicant has confirmed that the latter would be suitable for a 18T fire appliance. A refuse collection area would be provided at the end of the private drive. Nevertheless, construction details and refuse collection are the subject of separate conditions. Each property would have a minimum of two car parking spaces. The County Highways Authority raises no objections on highway safety grounds.

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.

Surface water from the adoptable road would be disposed of to an existing 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.

Surface water from roofs would be disposed of via soakaways. If (following testing) a strategy wholly reliant on infiltration was not viable the SHIDB has indicated that surface water could be discharged to a watercourse subject to Land Drainage Consent. Foul water would be disposed of to the mains sewer.

It should be noted that a separate condition compliance application will need to be submitted to discharge outstanding conditions attached to the outline permission (ref. H05-0585-17) that are not reserved matters.

Other Matters

Concerning the objections raised by local residents, overlooking issues have already been addressed. LCC Highways has raised no objections to the position of the access. There will be no footway across the front of nos. 1-3 Old Barn Court. Flood risk was addressed as part of the outline application. A bin collection point will be provided on site. The area to the east is outside the site and it is the responsibility of the owner to maintain it. No condition was imposed at the outline stage in respect of ecology measures. Blockage of view is not a material planning consideration and therefore carries no weight in the decision making process.

Planning Balance

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application

be approved under delegated powers.

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.