DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0890-21**	**Applicant:**	**Mrs E Edwards**
Proposal:	Proposed residential development for one house		
Location:	Adj. The Chestnuts Church End Fleet		
Terminal Date:	21st January 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 11. Making effective use of land.
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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
RESIDENTS	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 3-bed house.

Site Description

The site is currently garden associated with "The Chestnuts" and is partially occupied by an outbuilding (formers butchers' shop) fronting Hall Gate.

"The Chestnuts" is situated to the north of the plot and thereafter the Crooked Billet". "Battleford Hall" and associated buildings are situated to the rear. The Church of St. Mary Magdalene (grade I listed) is located further to the north-west. Land to the south has full planning permission for 2 houses and garages (ref. H05-0659-21).

Recent Planning History

None

Consultation Responses

Fleet Parish Council

No response.

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LCC Highway/SUDs

No objections subject to conditions/informatives.

South Holland Internal Drainage Board

If (following testing) a strategy wholly reliant on infiltration is not viable and a 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

Request standard land contamination conditions.

SHDC Conservation Officer

No major concerns from a conservation perspective.

LCC Historic Environment Officer

Request conditions.

Public

Objections/comments received:
- Appear to be two gravestones adjacent to the old butchers' shop, which would be demolished if the application proceeds. May be historically significant;
- Request that rear first floor windows be fitted with frosted glass;
- Request Swift nesting boxes.

Planning Considerations

The main issues are:
- Principle;
- The effect of the proposed development on the character and appearance of the area;
- Residential amenity;
- Highway safety;
- Other material considerations such as flood risk and drainage.

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 proposed development is inside Fleet Church End Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Fleet Church End, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to committed sites and infill.

In this case the proposal would help sustain the existing settlement and constitutes frontage infilling within the fabric of the village. The proposal is therefore satisfactory in locational terms and in accordance with Policy 1 of the SELLP.

Character/Appearance/Heritage

The site is within Fleet Church End Conservation Area. It is also in proximity to the Church of St. Mary Magdalene (grade I listed), which is located further to the north-west.

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings.

The conservation area is characterised by buildings of varying design ranging from the 18th/19th Century to more contemporary dwellings, including those recently permitted to the south. "The Chestnuts" is a locally listed two storey residential dwelling in brick with a roof of grey slate of mid-late 19th century origin and is a non-designated heritage asset of medium significance. The site itself is occupied by a single storey former outbuilding, which is also in brick with a roof covering of red pantiles. This was a former butchers' shop and is a grouped asset within the boundary curtilage and setting of the 'The Chestnuts'.

The existing outbuilding is plain and simple and of little architectural merit and of low significance. The Conservation Officer raises no objections to its removal.

The proposed dwelling is of traditional vernacular, incorporating 18th/19th century architectural features such as 6 x 6 Georgian style windows, segmental arches, decorative brickwork at eaves level and chimney stacks. It is considered that the proposal would not harm the existing character/appearance of Fleet Church End Conservation Area or the setting and significance of the grade I listed Church of St. Mary Magdalene to the north-west.

Thus, the proposal would be in accordance with the provisions of the respective sections of the Act and would accord with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019, as well as advice within the Framework.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) 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.

"The Chestnuts" is situated to the north of the plot and thereafter the Crooked Billet". "Battleford Hall" and associated buildings are situated to the rear. The Church of St. Mary Magdalene is located further to the north-west. Land to the south has full planning permission for 2 houses and garages (ref. H05-0659-21).

The proposed house has a bathroom window on its northern elevation at first floor level and a bedroom widow on its southern elevation set back from the boundary. The only windows facing west towards "Battleford Hall" are associated with an en-suite (obscure glazed) and a landing. They are situated approximately 11.5 metres from the rear boundary. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc, subject to appropriate boundary screening.

It is accepted that there would be some additional noise and general disturbance generated by additional vehicles and general activity, etc, as well as constructional traffic/work. However, this would not be significant and the latter would only be temporary.

The proposal therefore generally accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in this respect.

Highway Safety

Policies 2 and 3 of the SELLP 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.

The proposal is for a 3 bed hopuse. There would be sufficient space for the parking of at least 2 vehicles. LCC Highways has been consulted and has concluded that the proposal would not cause

an unacceptable impact on highway safety.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking requirements.

Flood Risk/Drainage

Policy 4 of SELLP is concerned on flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site falls within Flood Zone 1 (Low Risk) within the Environment Agency's Flood Maps and within an area of no hazard within the Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. In such cases it is recommended that finished floor levels be raised 300mm above existing ground level.

Foul water would be disposed of to a mains sewer and surface water to soakaways. This is considered a satisfactory arrangement for a development of this nature/scale.

The proposal is therefore in accordance with Policies 4 and 30 of the SELLP and advice within the National Planning Policy Framework, 2021 in this respect.

Contamination

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

Environmental protection have been consulted and have requested a contaminated land condition at this location.

Archaeology

The proposed development would involve the demolition of a small 19th century outbuilding within the Fleet Conservation Area. LCC Archaeology agree that if permission is forthcoming the building should be subject to a photographic recording internally and externally in order that a basic record is made prior to demolition.

The proposed development is also situated within the settlement core of the historic village of Fleet, close to the medieval parish church and adjacent to one of the main streets. This site is also situated within what is thought to be the part of the course of the former River Fleet, which once ran adjacent to Hall Gate, between the road and the church. Much of this former course is shown as undeveloped land on the tithe map of the village in 1840. Development along the west side of Hall Gate (including the building proposed for demolition) appears to date largely from the 19th century onwards, by which time the river had evidently ceased to flow. A previous archaeological watching brief on land next to the former Crooked Billet to the north of this site and also on the west side of Hall Gate identified what was thought to be the potential course of the river as well as finds of medieval pottery.

A member of the public commenting on the application has noted the presence of two small carved stones on the site which they thought could be gravestones. These do not appear to be in situ as neither is set into the ground, and they appear to have been propped up here adjacent to the building for reuse/transportation. Without more information it cannot be certain where they came from. LCC Archaeology have been consulted and have indicated that this form and size of stone was commonly used for parish and estate boundary markers. The inscription is difficult to discern but includes initials and dates in the 1870s. If they are grave markers they would be unusually small, and likely to be either for animals or people then deemed to be of low status. It may be possible for the developer/landowner to provide additional information on where the stones came from. However, LCC Archaeology are not aware of any other evidence, such as from historic mapping, to indicate that there was a graveyard here in the late 19th century.
Given the aforementioned and a high potential for archaeological remains associated with the use and development of the settlement of Fleet and the course of the River Fleet LCC Archaeology recommend that the developer be required to commission a scheme of archaeological works. This

can be secured by means of conditions.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

The preliminary roost assessment indicates that the building has negligible potential to support roosting bats, and as per the most recent guidelines (Collins, 2016), no further work or mitigation is required prior to any conversion work. The ecology report recommends precautionary working practices in respect of bats, appropriate timings or checks for nesting birds and ecological enhancements to try and secure a net gain of biodiversity upon the site. Native planting is also recommended.

Planning Balance

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 is within Fleet Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. The proposal is of traditional design and would not harm the character/appearance of Fleet Church End Conservation Area or the setting and significance of the grade I listed Church of St. Mary Magdalene to the north-west.

The design of the property and general relationship to neighbouring development is considered to be such 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, subject to appropriate boundary screening.

LCC Highways has raised no objections to the scheme on highway safety grounds and there are no flood risk issues. Archaeology can be addressed by means of conditions.

The proposal satisfactorily complies with Policies 1, 2, 3, 4, 28, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework, 2021. The are no significant factors in this case that indicate against the development and outweigh factors in favour of the proposal and the policies referred to above.

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.