

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0905-19 **Applicant:** Mr D Barker
Proposal: Proposed 2 houses and garages
Location: Land Off: Hall Gate Church End Fleet
Terminal Date: 25th November 2019

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
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
 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	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	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 to be identical in design to each other, featuring traditional building design elements such as brick arches and soldier courses above period-appearance windows, a widened, tapered brick plinth and two 'book-ending' chimney stacks.

The shared driveway will cut between both proposed properties in a Westerly direction. Both properties' primary elevations will face the shared drive meaning the houses' frontages will be north and south facing respectively and thus will be perpendicular to Hall Gate. The proposed access will feature a widened mouth which should allow larger vehicles to turn the roughly 90 degrees access would require and also provide vehicles exiting the site with vision in either direction.

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

None

Consultation Responses

Local Residents

Local residents have raised a number of concerns;

1. Hall Gate is narrow, and so residents and any ancillary users of the proposed site should not park on the roadside to avoid blockages.
2. Access to the site via the proposed driveway will be restricted by the width of the road and the opposing kerb and French drain and the heavy tree lining of the site and proposed planting will restrict left and right vision when exiting the site. These matters could cause issues for large vehicles entering and exiting the site.

3. Headlights of vehicles exiting the site could shine into adjacent properties' windows.
4. Applicant should guarantee proper maintenance of trees and other plantings on the site.
5. The site is at risk of waterlogging or flooding under wet conditions, what will be done to mitigate this.
6. Not clear that consideration has been given to the site's conservation area location.
7. No assurances that UPVC windows will not be installed on the site later down the line.
8. Removal of trees not permissible in a Conservation area without replacement.
9. The site is a valuable local point for wildlife, including bats. Removal of trees will prevent nesting.

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 - Local Highway and Lead Local Flood Authority

Requests that the following conditions be added onto any approved planning permission;

HI03

"The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. These works should be constructed in accordance with the Authority's specification which is current at the time of construction. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk"

HP20

"The development hereby permitted shall not be occupied before a 1.8 metre wide footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property."

Lincolnshire County Council Historic Environment Record Officer

The proposal is in the historic centre of Fleet which has Anglo-Saxon origins and was mentioned in the Domesday book of 1086. The site is within close proximity to the 12th century Church of St Mary Magdalene. For these reasons, it is likely that archaeological remains exist on the site that could be destroyed during development. Therefore it is recommended that the developer be required to commission a Scheme of Archaeological Works, secured via South Holland District Council's standard conditions AR01, 02 and 03.

South Holland District Council Environmental Protection Officer

No observations

Planning Considerations

Principal 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.

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 the proposed hedge-lining of the site which both could impair access and safety when merging onto the road from the driveway. However, the applicant has proposed a widened mouth junction 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.

Trees and Planting

Local residents rightly identify that a degree of protection is offered to the planting within a Conservation area. However, the tree lining along Church End is clearly very young and not historic to the site, having been planted to provide a screen between Battleford Hall and the modern residential development on Church End - it is to this end that the tree lining is characterful to the area and it is considered that the proposed replacement Hawthorne hedge will achieve much the same effect. Residents also raise a legitimate concern over the maintenance of the planting, for this reason, alongside any approval of planning permission, a condition will be applied requesting a more detailed scheme of planting with details of post planting maintenance which will be agreed upon in writing by the Local Planning Authority at such a time as the applicant is able to provide such details and no later than the beginning of the first planting season following practical completion of the development.

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. Nevertheless, as the applicant has proposed soakaway drainage, and the IDB have requested further details be provided in reference to the proposed drainage's effectiveness, a condition will be applied to any approval of planning permission requesting that full details of the proposed soakaway system be approved, in writing, before commencement of development beyond oversite, in order to ascertain that the proposed drainage is suitable for the site.

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. Furthermore, because the applicant proposes that the properties will be screened from the road by a Hawthorne Hedge the impact of 2 new properties upon Church End will eventually be minimal.

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.

To further reinforce this, alongside any approval of planning permission, conditions will be applied to this application to ensure before installation that windows and doors will be appropriate to the FCA

and the design of the property itself and also to ensure before commencement of development that the external materials of the property (Brickwork, roof tiles e.t.c) will also be appropriate to the FCA and the design of the host properties.

For the reasons listed above, it is considered that the development will both CONSERVE 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 well and sympathetically designed 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 (2019). 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.