

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-1235-18 **Applicant:** Mr N Marshall

Proposal: Residential development of 9 dwellings (Re-submission of H05-0372-17)

Location: Land Off Old Main Road Fleet Hargate

Terminal Date: 22nd February 2019

Planning Policies

Local Plan July 2006:

SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG4	Development in the Countryside
HS6	New Housing in the Group Centres (Non-Allocated Sites)
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	3	0	0	4

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for 6 no. 3 bed houses and 3 no. 4 bed houses (total 9) on 5 November 2018 (ref. H05-0372-17). The amendments are primarily to the layout, although some of the house types themselves have been revised to allow for the layout revisions. The roadway would be offered for adoption by LCC Highways. As previously, a bus stop fronting the site would be re-positioned. The applicant has indicated that the purpose of the amendment is to address a legal right of way which imposes the road layout previously approved by virtue of a previous planning permission.

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. These arrangements remain unaltered from the previous approval.

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 Council is in the process of finalising a new Local Plan (the South East Lincolnshire Local Plan). The new Local Plan has been through its formal Examination process and the final report from the Planning Inspectorate has now been received. However, the new Local Plan has yet to be formally adopted. The saved policies in the 2006 Adopted South Holland Local Plan therefore remain material. However, the new Local Plan is now considered to carry significant weight in the decision-making process.

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.

South Holland Local Plan, 2006

As above

South East Lincolnshire Local Plan (scheduled to be adopted March 2019)

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;

Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 10 - Meeting Assessed Housing Requirements;
Policy 11 - Distribution of Housing;
Policy 17 - Providing a Mix of Housing;
Policy 18 Affordable Housing;
Policy 19 - Rural Exception Sites
Policy 28 - The Natural Environment;
Policy 29 - The Historic Environment;
Policy 30 - Pollution;
Policy 32 - Health and Wellbeing.

The site is 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 - Good use of site and movement of bus stop well thought out as it is not in front of neighbours. Agree with retention of trees but have reservations about who will maintain them in the future - will they be protected? Is the water course sufficient to cope with the amount of water that will be generated since there are already problems in this area?

LCC Highways/SUDs - Request conditions including a more detailed surface water drainage scheme.

SHDC Nature Conservation Officer - There are a number of significant trees on the northern boundary which should be retained, including two Oaks the subject of Fleet Hargate TPO No. 8, 2017. No development should be carried out within the root protection area. Recommend conditions.

Environmental Protection - Due to the previous agricultural use of the site Environmental Services has previously requested a contaminated land condition in order to protect the end user.

Environment Agency - Have previously indicated that the Flood Risk Assessment is appropriate to the scale, nature and location of the proposed development.

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):

Present drain along northern boundary is blocked along Lowgate and regularly floods; Concept plans inadequate and do not indicate how surface water run-off from a total of 19 new properties (including new development to north of the Bull Inn) will be prevented from entering the existing drain into Lowgate, which is unsuitable for any additional intake. Increased risk of surface water flooding for existing properties caused by the erection of a 19 new properties using a shared drainage system flowing into a land area already exhibiting a water meadow after moderate rainfall remains a concern. Introduction of new open dykes close to residential property remains a concern - flooding could cause structural movement; Should have alternative piped drain; Present drain not satisfactorily maintained at the junction at the end of Lowgate near culvert and has previously blocked, causing flooding; New surface water drainage system should be completed and be operational prior to any development of this site; More information required - any drainage system has to provide a right first time outcome able to guarantee total flood risk security for existing properties in the Lowgate area for now and the future; understand that previous application on land to west of the Brownings was refused on surface water drainage grounds; No plans of proposed earthworks required to develop the site; Site level should not be raised as it was on the Nestwood site; Plot 8 has bedroom window which overlooks neighbouring property; Should be restriction on construction vehicles parking on Old Main Road; The 2 mature Oak trees should be retained along the northern boundary and not put at risk by development activity; Boundary fences should be

replaced by the developer; Existing soakaway close to site boundary; Bus stop should be moved to west away from busy Eastgate junction; Odour and vermin from new drain; 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.

Housing policies within the South Holland Local Plan, 2006 are out-of-date and do not make provision for a 5 year supply of deliverable housing land. They therefore carry limited weight.

The South East Lincolnshire Local Plan (SELLP) 2011-2036 is now at an advanced stage, however, and is scheduled to be adopted shortly (March 2019). In accordance with Paragraph 48 of the Framework, therefore, decision-takers can give significant weight to the relevant policies.

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 presently 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, 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 houses on plots 4, 8 and 9 in particular are relatively close to the boundaries. In respect of plot 4, it has a blank elevation on its rear elevation facing south west. A bedroom window on plot 8 has been re-positioned onto the side elevation. Windows on the southern elevation of plot 9 have also been omitted or removed. Plots 5, 6 and 7 are some distance from the rear of the neighbouring property to the north (Amendoeiras), plus there is some tree cover along the northern boundary. 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

Concerns have previously been raised over parking issues in particular. 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.

It should be noted that the bus stop fronting the site would be re-located in front of Broadlands.

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 previously 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, as previously. 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 previously 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. The dwelling on plots 5, 6 and 7 have been moved slightly further forward away from the preserved Oaks.

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.