

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 08 March 2023

(Author: Maria Salemmme - Planning Officer)

Purpose: To consider Planning Application H15-0001-23

Application Number: H15-0001-23

Date Received: 03 January 2023

Application Type: FULL

Description: Proposed Detached Dwelling

Location: Land Adjacent 117 Main Road Quadring Spalding

Applicant: Ms J Burton

Agent: Moulton Land and Planning Ltd

Ward: Donington, Quadring and
Gosberton

Ward Councillors: Cllr H J W Bingham
Cllr S C Walsh
Cllr J L King

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H15-0001-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Applicant is the partner of a District Councillor.

2.0 PROPOSAL

2.1 This is full planning application, seeking planning permission for a detached 4 bedroomed house with integral garage on land adjacent to 117 Main Road, Quadring. Access would be from Main Road.

3.0 SITE DESCRIPTION

3.1 The proposed site is located within the settlement boundary of Quadring, according to Policy 1 in the South East Lincolnshire Local Plan, 2019. The site is located within the allocated site of Qua003. The site currently has planning permission for residential development, with Phase 1 currently under construction on the site.

3.2 The site adjoins the new access road serving the residential development under construction and is currently a car park for the construction workers of the site to the rear of the proposed dwelling. There is a residential care home to the south east of the site, with the closest building set further back, with open space and parking set adjacent to the proposed dwelling. To the north west, there are two dwellings within the closest vicinity, both varying in age, size and design.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, 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 New Housing
Policy 17 - Providing a Mix of Housing
Policy 28 - The Natural Environment
Policy 36 - Vehicle and Cycle Parking

Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving sustainable development
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

5.0 RELEVANT PLANNING HISTORY

- 5.1 H15-1207-18 - OUTLINE - Approved on 19-09-19 - Residential development - up to 60 dwellings. (The current application site was not included within this application site).

H15-0942-20 - RESERVED MATTERS - Approved on 18-01-21 - 9 dwellings - Phase 1 (Outline approval H15-1207-18).

H15-0014-22 - FULL - Approved on 01-09-22 - Erection of 59 dwellings & associated works.

6.0 REPRESENTATIONS

6.1 Quadring Parish Council

The council is in support of this application. But some councillors believe the access would be better from the side road and not on to the main road.

6.2 Welland & Deepings IDB

No comments.

6.3 Historic Environment Officer, Lincolnshire County Council

No archaeological impact.

6.4 Local Highway and Lead Local Flood Authority

Approve with conditions.

Suitable visibility can be provided for the new access and adequate provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle

7.3 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.

7.4 The site is located within the settlement boundary for Quadring, according to the South East Lincolnshire Local Plan, 2019. Development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill. In the context of this, the principle of residential in this location is considered acceptable.

7.5 The site lies within the boundary of the housing allocation in the Local Plan (Qua003). Paragraph 3.7.5 of the South East Lincolnshire Local Plan (2019) states that "Where it is proposed to phase developments, sub-divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed in tandem, the whole site will be considered for the purpose of determining whether the scheme meets the site and/or floorspace thresholds identified by Policy 6." As this site forms part of the wider allocation, it would potentially trigger a requirement for developer contributions to be considered. However, in this case it is considered that it would not be justifiable to request developer contributions, which would amount to a health contribution of £660, given that the legal costs for preparing a Section 106 agreement would be £1,000 and would therefore, be disproportionate. It is therefore, in this instance not viable to request the developer contributions for the proposed dwelling.

7.6 Layout, scale and design

7.7 The proposal is for a 2 storey, 4 bed dwelling, which in design terms makes reference to the form of development elsewhere to the dwellings currently being constructed to the rear of the proposed dwelling. Whilst the dwelling would be close to the side boundaries, overall it is not considered that a dwelling of the scale and design proposed on the application site would be unduly cramped in the context of the land and surrounding dwellings, or have a material adverse impact on the wider street scene along Main Road, particularly taking into account the variety of buildings that front Main Road.

7.8 With regard to materials, the proposal is for facing brick Hampton Rural Blend, Marley Edgemere anthracite roof tiles, white pvc-u windows and 140mm stone cills. The proposed dwelling would not be out of keeping in character terms with the wider area, which is varied in nature.

7.9 Taking all of the above into account, it is concluded that the design, layout and density of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

7.10 Flood risk and drainage

7.11 The National Planning Policy Framework (2021) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

7.12 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland

District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

- 7.13 In terms of flood risk, the application site is situated in Environment Agency Flood Zone 1. Therefore, the proposed dwelling would be situated in a low flood risk area.
- 7.14 With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. Providing that finished floor levels are set no lower than 300mm above existing ground level, the development should be safe for its lifetime.
- 7.15 In terms of surface water drainage, the proposal is to be discharged via a soakaway system. For foul water disposal, it will be discharged via the mains sewer. This is an acceptable arrangement.
- 7.16 Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.
- 7.17 Residential Amenity
- 7.18 It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing or creating an overlooking or loss of light impact.
- 7.19 The proposed dwelling would have no side facing windows apart from an obscure glazed window on the first floor from the proposed en suite on the north west side elevation and a downstairs w/c obscure glazed window on the south east side elevation. H15-1207-18 outline planning permission for residential development for 60 dwellings included an indicative plan with Plot 60 being the closest, would have a side elevation facing the rear elevation of the proposed dwelling, however, this would be a sufficient separation distance of approx. 23m from the side elevation of the proposed dwelling to the north east if any windows were to be proposed on the side elevation of Plot 60. However, it is unlikely the development would be built out in that manner given the subsequent applications. The area to the rear of this plot was not included within the full application for 59 dwellings, where it shows the existing glasshouses to remain.
- 7.20 In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.
- 7.21 Highway safety and parking
- 7.22 Access would be taken from Main Road to the south west. The Highway Authority have been consulted as part of the application process, raising no objection on highway grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements and vehicle levels will be acceptable.
- 7.23 Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 3 parking spaces are provided within the curtilage for dwellings with more than 3 bedrooms. 3 parking spaces are indicated on the block plan for the new dwelling. Therefore, the proposed parking provision complies with Policy 36 and Appendix 6 in the SELLP, 2019.
- 7.24 Planning Balance
- 7.25 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.

7.26 The application site lies within the settlement boundary for Quadring and the principle of residential development in this location is acceptable. It is not considered that the proposal would materially harm the character or appearance of the locality, nor the amenity of residents. There is no objection from the Highway Authority and parking arrangements are acceptable. Flood risk matters and drainage details are considered to have been appropriately addressed.

7.27 Taking the above into account, the planning balance is considered to be in favour of the proposal.

7.28 Conclusion

7.29 In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 2, 4, 5, 12, 14 and 15 of the National Planning Policy Framework (2021).

7.30 **Additional Considerations**

7.31 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.

7.32 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.

8.0 **RECOMMENDATIONS**

8.1 **Grant permission subject to the conditions listed at Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

BUR/pl/01
BUR/pl/02
BUR/pl/03

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development, a detailed levels survey of the site, recording existing ground levels Above Ordnance Datum, including drawings showing the resulting ground and floor levels following construction of the dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The finished floor level of the dwelling shall be set at a minimum of 0.3m above surveyed existing ground level with 0.3m of flood resilient construction incorporated into the building fabric and design above finished floor level unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.

This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

4. The scheme of landscaping and tree planting shown on dwg. no. BUR/pl/01 shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. Before above ground work beyond oversite commences, full details of ecological biodiversity measures that benefits biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be provided in accordance with the details so approved and shall be retained thereafter.

Note: 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 and barn owl roost boxes, and integrating nesting opportunities into the building and by planting that benefits invertebrates. The use of swift bricks would help to minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

6. The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

7. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

8. 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. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

For application guidance, approval and specification details, please visit:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
or contact vehiclecrossings@lincolnshire.gov.uk

9. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit our website via the following links:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

