

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0015-23 **Applicant:** Mr N Smith
Proposal: Proposed dwelling
Location: Land Adj 36 Broadgate Weston Spalding
Terminal Date: 6th March 2023

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2. Achieving sustainable development.
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

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
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application for a proposed detached two storey dwelling sited between no.32 and 36 Broadgate. On the ground floor there would be a living room, dining room, w/c, utility room and a kitchen/breakfast room. On the first floor there would be 4no bedrooms; one with an en-suite shower room and a family bathroom.

The dwelling would be constructed from hampton rural blend facing bricks, sitting under a sandtoft calderdale grey tiled roof with black upvc rainwater goods, reconstructed stone cills and heads and brown upvc windows.

The rear and side boundaries would be enclosed by 2 metres featheredge fencing (with the side fencing reducing to 1.2 metres towards the front of the site).

The site has outline permission for one dwelling approved under application reference H22-0298-21.

Site Description

The site is located off Broadgate in Weston. The current use of the land is residential garden and the site lies within the defined settlement limits of Weston. The surrounding area is characterised by dwellings of varying ages and designs. The site is located in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

History

H22-0747-14 - Outline permission for a proposed detached dwelling - Approved 03 December 2014

H22-0298-21 - Outline permission for the erection of a single dwelling - Approved 25 May 2021

Consultation Responses

South Holland Internal Drainage Board

Recommends that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to discharge surface water to a nearby watercourse. In this case, consent would be required under Byelaw 3.

LCC Highways/SUDS Authority

No objection as the existing access will be utilised and there would be adequate parking and turning provision within the site.

Residents

One letter of objection has been received from a local resident siting the following concerns:

- Two large trees initially proposed to be retained which would have provided privacy/screening have been felled
- No.32 will be overlooked by bedroom windows
- The development will block natural daylight and overshadow no.32

Planning Considerations

Principle of development

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 Weston Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres 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 addition, the site has outline planning permission therefore the principle of residential development was approved at such location and therefore this is not disputed with this current application.

The proposal therefore generally accords with Policies 1 of the SELLP.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of SELLP 2019 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.

The proposed dwelling would be sited between no's 32 and 36 and would front Broadgate. The proposed dwelling is considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space, similar to neighbouring dwellings. As such it is not considered that the proposal results in overdevelopment of the site.

The front area would be used for parking/turning and the rear garden would be likewise of decent size to ensure good levels of amenity to the future residents. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The dwelling would be constructed from hampton rural blend facing bricks, sitting under a sandtoft calderdale grey tiled roof with black upvc rainwater goods, reconstructed stone cills and heads and brown upvc windows. Given the wide mixture of materials in the street scene the proposed materials are considered acceptable and would not result in any unacceptable impact on the street scene.

The rear and side boundaries would be enclosed by 2 metres featheredge fencing (with the side fencing reducing to 1.2 metres towards the front of the site). These boundary treatments are typical of this type of development and similar to other plots in the street therefore they are considered acceptable.

In terms of soft landscaping mixed bedding plants are proposed along part of the front boundary, inside of the fence. A condition has been included requiring this planting to be carried out and completed in its entirety during the first planting season following practical completion of the development.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest neighbour to the proposed development is no.36 located to the south-west of the application site. The proposed dwelling would be sited close to the shared boundary with this neighbour. The proposed dwelling would have a similar footprint and set-back to this neighbour. Given this and the fact this neighbour does not have any windows in its side elevation facing the application site it is not considered that any overbearing impact or unacceptable overshadowing would result. One first floor window is proposed in the side elevation facing this neighbour, however, this would serve a bathroom therefore a condition has been appended for this to be obscure glazed. As such no overlooking or loss of privacy would result.

The only other immediate neighbour is no.32 Broadgate located to the north-east of the site. This neighbour has objected to the proposal citing concerns of overlooking from proposed bedroom windows and overshadowing/loss of sunlight. The concerns are noted and it is accepted that the scheme proposes one first floor bedroom window in the side elevation facing this neighbour, however, the proposed window would sit adjacent to this neighbour's blank side elevation therefore no unacceptable overlooking is anticipated. With regards to concerns of overshadowing and loss of daylight given the proposed dwelling would be sited at least 6.3 metres from the shared boundary with this neighbour and the fact this neighbour does not have any windows in its side elevation facing the application site, any overshadowing would be minimal and within acceptable tolerances.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway safety and car parking provision

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. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The submitted plans show the site served by an existing access point and space for at least 3no parking spaces as well as space for turning. On this basis the LCC Highways Authority has not objected to the scheme.

The proposal therefore satisfactorily accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood risk and drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps, an area with a high probability of flooding. The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The proposed development is classed as 'more vulnerable' therefore it is necessary to complete the Exception Test.

Large parts of the South Holland district between the River Welland and River Nene lie within Flood Zone 3. As such, opportunities to undertake the development at an alternative site with a lower flood risk are limited.

The development is in a defended floodplain. It is in the floodplain of the River Welland and Coronation Channel and protected during the 1% annual probability (1 in 100 chance each year) fluvial event. During the design life of the development, including an allowance for climate change, the site is not at risk of flooding.

The site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the South Holland IDB high priority watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).

The submitted flood risk assessment advises that subject to the suggested mitigation measures including finished floor levels to be no less than 0.3m above typical site levels, 0.3m of flood resilient construction above finished floor level and occupants to register with the Environment Agency for flood warnings, there would be no risk of flooding.

South Holland Internal Drainage Board has advised that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to propose to discharge surface water to a nearby watercourse. In this case, consent would be required under Byelaw 3. It is noted that the applicant intends to dispose of foul water to a main sewer. Should the applicants' proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. There is a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the south-western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been attached to the decision advising the applicant of the Boards Bylaws and advice.

Given the above and subject to the suggested mitigation measures the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Other matters

A neighbour has raised concerns that 2no trees have been felled without permission. The concerns are noted, however, at the time of the outline application no condition was appended requiring the retention of the trees as the trees were not considered to be of high amenity value. One of the trees was in the middle of the site therefore it would not have been practical to build the dwelling whilst retaining the tree. As such their removal is not considered to result in any unacceptable impact.

Planning balance

The principle of developing the residential scheme is acceptable at such location given the extant outline permission.

The dwelling footprint would sit well within the plot and would not result in any unacceptable impact on the semi-rural character of the area. No undue harm would occur upon the amenity standards of adjacent neighbours. The external materials and means of enclosures are appropriate for the site and the street scene. Landscaping details have not been specified therefore these will be secured via a condition.

On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal. There would be no flood risk concerns subject to mitigation measures which can be secured via a condition.

On balance, no adverse impact of approving the application would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12 and 14 of National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via 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.

RECOMMENDATION

The application can be approved under delegated powers.