

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 08 March 2023

(Author: Catherine Sutton - Planning Officer)

Purpose: To consider Planning Application H22-0017-23

Application Number: H22-0017-23

Date Received: 09 January 2023

Application Type: OUTLINE

Description: Residential development of 2 bungalows

Location: Land between 357 & 363 Broadgate Weston Hills Spalding

Applicant: Farmer Educational Foundation

Agent: PDG Architects Ltd

Ward: Cowbit, Weston and Moulton

Ward Councillors: Cllr R Grocock
Cllr A Casson
Cllr A R Woolf

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H22-0017-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 A South Holland District Councillor is a Governor (trustee) of the Farmer Educational Foundation, the applicant.

2.0 PROPOSAL

- 2.1 The application seeks outline planning permission for the erection of two dwellings, on the land between 357 & 363 Broadgate in Weston Hills.
- 2.2 The proposal has been submitted with all matters reserved for later approval; however, an indicative proposed layout has been submitted illustrating that the potential form of development, comprising two detached dwellings on the land between 357 & 363 Broadgate in Weston Hills.

3.0 SITE DESCRIPTION

- 3.1 The site is located on Broadgate in Weston Hills. The site comprises a rectangular shaped plot, which is consistently level and located within agricultural land. The majority of the application site is located within the settlement boundary defined on the Local Plan proposals map for Weston Hills. The site is within the Environment Agency Flood Zone 3.
- 3.2 Broadgate, within the immediate setting of the application site, comprises a linear form of residential development, with residential properties consisting of single storey bungalows and two storey dwellings, fronting Broadgate to the eastern and western side of the highway, providing a continuity of development.

- 3.3 Located to the rear of these dwellings, along with the neighbouring residential properties to the eastern and western side of Broadgate, lies agricultural land, providing a clear rural setting and context with no back land development present.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

01 - Spatial Strategy
02 - Development Management
03 - Design of New Development
04 - Approach to Flood Risk
05 - Meeting Physical Infrastructure and Service Needs
10 - Meeting Assessed Housing Requirements
11 - Distribution of New Housing
36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 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
Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 There is no relevant planning history associated with the site.

6.0 REPRESENTATIONS

6.1 Cllr A Casson

No Observations

Just a comment to make sure the drain is noted on the Roadside

6.2 Lincolnshire County Council as Highway Authority and Lead Local Flood Authority

No objection.

The proposed dwellings would occupy a gap in the line of housing along the east side of Broadgate that appears to have hitherto been used by agricultural vehicles to access the land to the rear of that housing. That land, it is advised in the submitted details, is now accessed via neighbouring fields and this access point is no longer required. The site has therefore a history of vehicle movements off and onto the highway. The visibility at this point is adequate in both directions for a driver entering the highway to see any vehicles that may be approaching from their left or right to be able to judge if it is safe to move out into the highway. This Application is Outline only with all matters reserved, but the submitted indicative layout shows that there is sufficient space within both plots for a vehicle turning area to be provided. The plots are also of a sufficient size to accommodate sufficient off-street car parking. There is an existing footway

on the opposite side of Broadgate which would provide safe and suitable means of pedestrian access to the proposed dwellings.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

6.3 South Holland Internal Drainage Board

Advises that Drainage Consent may be required and has provided advisories relating to the need for compliance with: Byelaw 3 relating to Discharge of water to a watercourse (treated foul or surface water).

6.4 Public

One letter of representation has been received. The points raised can be summarised as follows:

- There are concerns regarding the flood risk, there have been a few floods that have not been referred to;
- The flood risk assessment is incorrect;
- The shallow dyke has overflowed into the rear neighbouring gardens;
- The design and access statement is incorrect;
- The proposed soak aways need to be well away from neighbouring properties.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Principle

7.3 Policy 1 of the SELLP sets out the spatial strategy for new development across the district. A settlement hierarchy has been established in order to steer development to the most sustainable locations. Weston Hills is within Other Service Centres and Settlements in terms of the hierarchy and, as such, 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 Committed sites and infill.

7.4 Most of the site area and most importantly the footprint of the dwellings are situated within the settlement boundary of Weston Hills according to inset map no.67 in the South East Lincolnshire Local Plan, 2019. However, a percentage of the rear gardens for the two proposed dwellings would be located outside of the settlement boundary within the countryside. The proposed layout of the site indicates that the dwellings would be in line with the existing built form of the street and the rear gardens of the proposed dwellings would not project beyond the rear gardens of the neighbouring gardens. Therefore, continuing the linear form of the existing streetscene and not resulting in any harm to the character of the area or the neighbouring dwellings.

7.5 The site is considered to be infill development and the layout of the proposal is in keeping with the character and appearance of the area and is therefore acceptable in principle.

7.6 Residential Amenity

7.7 Policies 2 and 3 of the SELLP 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.

- 7.8 Residential properties are located to the north and south of the main body of the site. However, the indicative plan shows satisfactory separation distances between the existing properties and the proposed new development generally. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, and disturbance, etc.
- 7.9 It is accepted that there would be some disruption to local residents during the construction stage. However, this would be temporary and could be alleviated by means of a construction management plan if permission was forthcoming.
- 7.10 The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.
- 7.11 Parking/Highway Safety
- 7.12 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. In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4+ bedrooms should be provided within the curtilage. It is not clear how many bedrooms the proposed bungalow would have. A maximum of 3no spaces would be required for the proposed dwelling.
- 7.13 The submitted indicative plan shows sufficient space to accommodate at least 3no vehicles for each of the proposed dwellings. As such, minimum parking standards could be ensured.
- 7.14 In addition, the Local Highway Authority has not raised any objections to the scheme subject to standard informatives regarding the formation of a new access.
- 7.15 The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.
- 7.16 Flood Risk/Drainage
- 7.17 Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime.
- 7.18 The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, 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) (SFRA) as a basis to apply the sequential test. In this respect, the site is within an area of no hazard. The Standing Advice Matrix that accompanies the SFRA recommends that finished floor levels be set at 300mm above ground level, should permission be forthcoming.
- 7.19 In terms of drainage, Policy 4 of the SELLP indicates that the development should incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.
- 7.20 Planning Balance
- 7.21 The principle of developing housing would be acceptable at this location. The proposals are in outline form but the footprint of dwellings on the indicative block plan would relate well with the

existing linear form of the surroundings. Likewise, subject to the outline form of the proposals, no cumulative impact would occur upon highway safety nor harm result to the amenity of residents including the current neighbours and future dwelling occupiers. The height, scale and external appearance of the dwellings could be determined and subsequently approved at a later stage.

- 7.22 On balance, any adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

7.23 **Conclusion**

- 7.24 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.

- 7.25 For the reasons above, this application accords with Policies 1, 2, 3, 4, 10, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 2, 5, 11, 12, 14 and 15 of National Planning Policy Framework (2021).

7.26 **Additional Considerations**

7.27 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.

7.28 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 That the application be approved subject to those conditions listed at Section 9.0 of this report**

9.0 CONDITIONS

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 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:

Application Form

22037/PL01

22037/PL03

Design and Access Statement 22037/PDG (November 2022)

Flood Risk Assessment ECL0912 (January 2023)

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

3. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:
- i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used);
 - ii) the means of access to the site; and
 - iii) the landscaping of the site (including boundary treatment).

The development shall be carried out as approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

5. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (ECL0912, (January 2023) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be set at a minimum of 0.3m above existing ground level
- Flood resilient construction shall be incorporated up to 0.3m above finished floor level

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

6. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

7. Before the commencement of the development hereby granted beyond oversight, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

8. Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

9. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating (including screening of bin collection points), inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority 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.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development. The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

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 issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

10. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11. Before the commencement of the development hereby permitted beyond oversite full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved.

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 buildings. The use of swift bricks on new developments would help 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.

12. The water consumption of each 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 each 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.

13. 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>

14. 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

15. 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 via the following links:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

16. Your attention is drawn to the attached letter from South Holland Internal Drainage Board. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend 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 we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

I note 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.

Section 23, Land Drainage Act 1991

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

