DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0383-21**	**Applicant:**	**Mr & Mrs S Ladym**
Proposal:	Residential Development - Re-submission of H22-0529-18		
Location:	Adj. Silver Acorns 37 Broadgate Weston		
Terminal Date:	7th June 2021		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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

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 BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for residential development adjacent to Silver Acorns 37, Broadgate, Weston. The application is effectively a resubmission of previously approved H22-0529-18, which is due to lapse shortly.

The proposal is for one dwelling which would be sited to the side of no. 37, and would front onto Broadgate. The indicative plans submitted with the application show a 3 bedroom 2 storey property set on a similar building line to no. 37.

Site Description

The site is part of the large private garden of the property known as Silver Acorns. The garden extends to the rear and side of the dwelling and the boundaries are well treed. High Road is to the north and there is the junction between Broadgate and High Road to the east. There are bungalows opposite. Overall, there is a mix of houses and bungalows in the vicinity of varying design.

History

H22-0529-18 - Outline - Residential development (approved July 2018)

Consultation Responses

LCC Highways/SUDS - No objections. Requests standard highways informatives.

South Holland Drainage Board - Recommends that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. Advises of the relevant consents that may be required.

SHDC Environmental Protection - Requests note re unexpected contamination.

Planning Considerations

Principle

The sites sits within the settlement boundary of Weston as set out in the South East Lincolnshire Local Plan (2019). Policy 1 of the Local Plan indicates that development in Weston will 'normally be limited to Allocated and Committed sites and infill'. As the site already benefits from an extant planning permission, the proposal complies with Policy 1 in this regard.

Character and Appearance

The proposal is for one dwelling which would be sited to the side of no. 37, and would front onto Broadgate. The indicative plans submitted with the application show a 3 bedroom 2 storey property set on a similar building line to no. 37. A dwelling in this location would be in keeping with the existing development pattern in the vicinity.

The exact design of the proposed dwelling can only be assessed at reserved matters stage.

Based on the current submission, it is not considered that the proposed development would have a material adverse impact on the character and appearance of the area. It therefore complies with Policies 2 and 3 of the Local Plan in this regard.

Highway Safety and Parking

Access is a reserved matter. However, the Highways Authority have not objected to the principle of

residential development on the site and thus the proposal is considered to comply with Policy 2 of the Local Plan, which requires that access and vehicle generation levels will be acceptable.

Parking provision can only reasonably be assessed at reserved matters stage as the submitted floor plans are merely indicative given the proposal is in outline form.

Residential Amenity

The elevation and floor plans submitted are only indicative, however they do demonstrate that a dwelling can be designed in such a way that there would not be a material adverse impact on residential amenity in terms of overlooking, loss of light etc.

The proposal complies with Policies 2 and 3 of the Local Plan in this regard.

Flood Risk and Drainage

The NPPF 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.

However, given that the site benefits from an extant planning permission for residential development, and the flood risk information available remains the same as at the time the previous application was determined, it is not considered necessary to apply the flood risk sequential and exception tests.

The submitted flood risk assessment recommends that finished floor levels be set a minimum of 300mm above existing ground level. Taking into account the fact that the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) indicates that the site is not affected by hazard or depth, this should ensure that the development is safe for its lifetime. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways. There are no known permeability issues in this area that would preclude the use of soakaways. No foul drainage details have been submitted so would need to be conditioned if permission were to be granted.

Given the above, the proposal (at this stage) 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.

Planning Balance

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 site benefits from an extant planning permission and Policy 1 of the Local Plan indicates that development in Weston will 'normally be limited to Allocated and Committed sites and infill'. The principle of residential development in this location is therefore acceptable. It is not considered that the development of a dwelling on this site would not materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and the proposal is acceptable in flood risk and surface water drainage terms. Details of foul drainage can be conditioned.

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

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.

Conclusion

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

The recommendation is for a delegated approval.