

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0510-23 **Applicant:** Spalding Developments Ltd.

Proposal: Erection of 3 Dwellings - approved under H22-0725-21. Modification of Condition 1 to allow amendments to previously approved plans.

Location: Rear Of 192 To 200 High Road Weston Spalding

Terminal Date: 27th July 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
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 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.

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	1	0

CASE OFFICER ASSESSMENT

Proposal

The site has planning permission for 3 no. 4 bed bungalows (ref. H22-0685-20 and H22-0725-21), with access off an existing private roadway. This application is to modify condition 1 (approved plans) of H22-0725-21 to raise site levels by approximately 100-300mm and finished floor levels by 250mm from 3.6m aOD to 3.85m aOD. Development has commenced on site.

Site Description

The site (some 0.24ha) is land to the rear of nos. 192 to 200 High Road, which are semi-detached houses. It is accessed by an existing private roadway.

Houses are situated to the east off St Mary's Close and garden land associated with no 202 High Road to the west. Three pairs of semi-detached houses are situated to the south, with long rear gardens (nos. 55-65 (odd) Broadgate).

Policies/Constraints

The site is inside Weston Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

Relevant Planning History

H22-0685-20 - O/A - Residential development (maximum 3 single storey dwellings) - Granted 8 December 2020.

H22-0725-21 - RM - Residential development (maximum 3 single storey dwellings) - Approved 18 August 2021.

H22-0747-21 - C/C - Details of construction management, drainage & means of foul water disposal and archaeological investigation (Conditions 9, 10, 11 & 15 of H22-0685-20) - Approved 18 August 2021.

H22-0075-22 - C/C - Details of scheme to deal with contamination (Parts i and ii of Condition 14 of H22-0685-20) - Approved 22 March 2022.

H22-0222-23 - C/C - Details of contamination of land or pollution of controlled waters. (Condition 14iii of H22-0685-20) - Under consideration.

H22-0224-23 - NMA - Erection of 3 dwellings - outline approval H22-0685-20 - approved under H22-0725-21. Amendment to material of road - Approved 21 March 2023.

Consultation Responses

Weston Parish Council

No response received.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Environmental Protection

No comments or objections.

Public

No response received.

Planning Considerations

The principle of 3 single storey dwellings has already been established by virtue of the previous approvals (ref. H22-0685-20 and H22-0725-21). This application is to modify condition 1 (approved plans) of H22-0725-21 to raise site levels by approximately 100-300mm and finished floor levels by 250mm from 3.6m aOD to 3.85m aOD. The main issue therefore is the implications in terms of visual impact and also the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, etc.

Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

the relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), 2019. Policies 2 and 3 of the SELLP, 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

The site is set behind a row of existing semi-detached houses (nos. 192-200 High Road). There are similar backland plots within the vicinity and the site adjoins development off St Mary's Close, which extends back from Broadgate. Existing residential development within the locality is generally varied in terms of type, design, appearance, age and external materials. The proposed bungalows would be subservient to the frontage semi-detached houses. It is considered that the proposed bungalows would not materially harm the character or appearance of the area. The proposal therefore satisfactorily complies with Policies 2 and 3 in this respect.

Policies 2 and 3 of the SELLP also 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.

It is proposed to raise finished floor levels from 3.6m aOD to 3.85m aOD. As a result, 2m high close boarded fencing with 300mm trellising on top is proposed along the north-western boundary bordering semi-detached houses fronting High Road. Plot 1 has utility and garage doors, plus utility, en-suite and kitchen/living room windows on its north-eastern elevation facing No. 4 St. Mary's Close. 2 metre high fencing is proposed along the eastern boundary, other than adjacent the utility door and kitchen/living room window where it has been increased to 2m with 300mm trellis. Plot 3 has similar openings plus a secondary dining room window on its south-western elevation. 2 metre high close boarded fencing along the southern section of the boundary has been increased in height by the addition of 300mm trellising. The south-eastern (rear) boundary is mainly delineated by existing Leylandii located on neighbouring property. Fencing along the exposed section also includes 300mm trellising. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. This is subject to a boundary screening condition to ensure that the proposed

fencing is satisfactory in terms of height and construction.

The proposal therefore satisfactorily complies with Policies 2 and 3 in terms of amenity, subject to mitigating conditions.

Other Matters

LCC Highways has indicated that the amendments proposed will not have an adverse impact upon the public highway or surface water flood risk. The current proposal includes a bin collection area within the site. However, this should be located adjacent the highway as per the original plans because SHDC refuse vehicles do not enter private drives.

Condition 12 of the outline permission indicates that the finished floor level should be at least 300mm above existing ground level on flood risk grounds. The proposal is satisfactory in this respect.

Concerns have previously been raised over ownership issues and maintenance rights, etc. No consultee responses have been received in respect of these matters in respect of the current proposal. In any event, private land rights are not a material consideration, but rather a civil matter.

Planning Balance

The principle of 3 single storey dwellings has already been established by virtue of the previous approvals (ref. H22-0685-20 and H22-0725-21). This application is to modify condition 1 (approved plans) of H22-0725-21 to raise site levels by approximately 100-300mm and finished floor levels by 250mm from 3.6m aOD to 3.85m aOD. The main issue therefore is the implications in terms of visual impact and also the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, etc.

The proposal is considered satisfactory in terms of visual impact and the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc, subject to mitigating conditions. The proposal is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

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

The proposal satisfactorily complies with the development plan as a whole. In any event, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

Recommendation

That the application be approved under delegated powers.