

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H22-0685-20	Applicant:	Spalding Developments
Proposal:	Residential development (maximum 3 single storey dwellings)		
Location:	Rear Of 192 To 200 High Road Weston Spalding		
Terminal Date:	9th December 2020		

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
29	The Historic 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 2019

Sections 2, 3, 4, 5, 11, 12, 14 and 16.

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (maximum 3 dwellings), with all matters reserved for subsequent approval. The application is accompanied by an indicative layout plan. Access would be off an existing private roadway.

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.

Planning History

None

Consultation Responses

Weston Parish Council - No response received.

LCC Highways/SUDs - Request conditions.

SHIDB - Request drainage strategy. Land drainage consent will be required to discharge to a watercourse.

Environmental Protection - Request full contaminated land condition.

LCC Archaeology - Recommend conditions.

Public - Resident objections/comments received (summarised):
Overlooking/lack of privacy; Encroachment onto neighbouring site; Rights of access to rear of properties; Thoroughfare from Broadgate should not be used for traffic to access new builds.

Planning Considerations

The main issues in this case are:

- Policy/Sustainability;
- Character/Appearance;
- The likely impact upon the amenity of nearby residents;
- Highway issues;
- Flood risk/Drainage;
- Other Matters.

Principle/Sustainability

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is inside Weston Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Weston, 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 allocated and committed sites and infill.

The site is within the existing envelope of the settlement and is surrounded by residential development. It is therefore considered to be infill. The proposal therefore satisfactorily complies with Policy 1 of the SELLP.

Character/Appearance

The proposal is a form of backland development. However, there are similar backland plots within the vicinity and the site adjoins development off St Mary's Close, which extends back from Broadgate. Taking these factors into account, it is considered, on balance, that the proposal would not materially harm the existing character or appearance of the locality.

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

Amenity

Access to the site is between nos. 194 and 196 High Road and is relatively wide. The side/rear gardens of both properties are fenced off. The new dwellings would be set well back from existing frontage dwellings and would be single storey. No 4 St Marys Gardens is located to the east and is delineated by fencing/hedging along the common boundary. The semi-detached properties to the south have long rear gardens, thus increasing separation distances.

Taking into account the aforementioned it is considered that the site could be satisfactorily developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. This is subject to satisfactory boundary screening.

Whilst it is appreciated that there could be some noise and disturbance during the construction phase it would only be temporary and could be alleviated by a construction management condition.

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

Highway Safety

The site would be accessed via an existing private roadway off High Road. There is sufficient room for ample car parking on site. LCC Highways has raised no objections on highway safety grounds, subject to conditions.

Concerns have been raised on grounds that an existing thoroughfare would be used off Broadgate. However, this access does not form part of the site as outlined in red.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site is within Flood Zone 3 within the Environment Agency Flood Maps. However, it is within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The site therefore satisfies the sequential test outlined within Section 14 of the National Planning Policy Framework, 2019, the aim of which is to steer new development to areas with the lowest risk of flooding.

The application indicates that surface water would be disposed of via soakaways. Drainage details could be addressed by means of a condition if permission was forthcoming.

Other Matters

Concerns have been raised over alleged encroachment onto neighbouring land and also maintenance rights. The former has been taken up with the agent who has indicated the following:

"We have updated the location plan and block plan to the boundary shown on the OS map so it no longer looks like it is going over the boundary. I think this is more of an issue of the inaccuracy of OS maps as the site plan is based on an accurate topographical survey within existing defined boundary fences."

Ultimately, ownership issues and maintenance rights are a separate legal matter.

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.

Planning Balance

The site is in a sustainable location and the proposal would not materially harm the character or amenity of neighbouring residents. The proposal would have satisfactory access off High Road and satisfies the sequential test in terms of flood risk. The proposal is therefore generally in accordance with Policies 1, 2, 3, 4, 11 and 36 of the South East Lincolnshire Local Plan, 2019. Issues relating to boundary disputes and maintenance rights are a separate legal matter. There are no issues in this case that outweigh factors in favour of the proposal, subject to conditions.

Conclusion

The planning balance is in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.