DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0711-21**	**Applicant:**	**Mr M Gray**
Proposal:	Erection of detached dwelling - outline approval H22-0383-21		
Location:	Adj To Silver Acorns 37 Broadgate Weston		
Terminal Date:	26th August 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

NPPF 2021
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

RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Reserved Matters approval is sought for the erection of a detached dwelling on land adjacent to 'Silver Acorns' 37 Broadgate, Weston. Outline planning permission was granted under application ref. H22-0383-21.

The proposal is for a 4-bed, 2-storey dwelling, with access from Broadgate, and on a similar 'building line' to no. 37 adjacent. The property will front Broadgate.

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

H22-0383-21 - Outline - Residential Development - Re-submission of H22-0529-18 (approved May 2021)

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

Consultation Responses

LCC Highways/SUDS - No objection. Requests two standard highways informatives.

South Holland Drainage Board - Recommends that the proposed surface water drainage strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. Notes that the applicant has not indicated how treated foul water from their site will be disposed of. If the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Public (2 comments received, summarised) -
- Concern regarding impact on wild nesting birds in trees along the Broadgate boundary
- A condition requiring the installation of three swift nest bricks is suggested

Planning Considerations

Principle

As the principle of development on the site has already been established, the main issues to be taken into account in respect of this application are whether the proposed scheme is acceptable in terms of the reserved matters (layout, scale, external appearance, means of access and landscaping).

Layout, Appearance and Scale

The proposal is for a 4-bed, 2-storey dwelling, with access from Broadgate, and on a similar 'building line' to no. 37 adjacent. The property will front Broadgate.

It will be of a similar scale to other properties in the vicinity and sit well within the plot, with ample parking space to the front and surrounding amenity space. Finished floor levels will be set at

300mm above existing ground level and the overall visual impact of this would be negligible.

The proposed materials of construction are Weinerberger Amberley red facing brick and rustic terracotta double pantiles, with anthracite colour windows and doors and black upvc rainwater goods, and reconstituted stone cills. A red facing brick is in keeping with the predominant brick colour in the area and there is an example of terracotta tiling slightly further south-west along Broadgate. The grey windows will add a more contemporary aspect to the appearance. Overall, the proposed materials are considered appropriate for the site.

Taking the above into account, the external appearance, layout and scale of the proposed dwelling is considered to be acceptable and the proposal in accordance with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Access and Parking

A single access point off Broadgate is proposed. The Highways Authority have been consulted and do not wish to restrict the grant of permission on highway safety grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements will be acceptable.

Appendix 6 to the Local Plan sets out minimum vehicle parking standards and requires at least 3 spaces for dwellings of 4 or more bedrooms. An attached single garage is proposed and the property has a large frontage which could accommodate two vehicles. The proposal therefore complies with Appendix 6 in this regard.

Landscaping

The soft landscaping scheme comprises of a single Acer tree and planting bed to the front and grassed garden area.

This is considered to be a suitable landscaping scheme for the site taking into account the low key landscaping to the frontage of existing properties in the vicinity.

The proposed scheme therefore complies with Policy 3 of the Local Plan in respect of its provisions on landscaping.

Residential Amenity

It is not considered that the proposed dwelling would have a material adverse impact on residential amenity in terms of being overbearing or creating overlooking or loss of light/overshadowing.

It is a normal frontage relationship with the properties on the opposite side of Broadgate and there are no dwellings to the north/north-east. There are no windows on the side elevation facing no. 37 immediately adjacent and there is an approx. 10.5m separation distance between side elevations.

The proposal would provide adequate external amenity space.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk and Drainage

In accordance with Condition 8 of the outline permission, finished floor levels will be set at 300mm above existing ground level. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

Surface water will be disposed of via soakaways. There are no known permeability issues in Weston that would affect the use of soakaways.

Foul drainage details are the subject of a separate condition on the outline permission.

Given the above, it is considered that the proposal accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and be flood resilient.

Other Considerations

It has been highlighted that the trees and hedges which border the site are commonly used by wild birds for nesting. A note can be added to the decision notice to remind the applicant that it is an offence to damage or destroy the nest of any wild bird while it is in use or being built.

A condition can be added requiring the installation of three swift nest bricks.

Planning Balance

The principle of residential development on this site has already been established by virtue of the outline permission. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk and drainage matters are considered to have been appropriately addressed.

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 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12 and 14 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.