

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H22-0725-21	Applicant:	Spalding Developments Ltd.
Proposal:	Erection of 3 dwellings - outline approval H22-0685-20		
Location:	192 High Road Weston Spalding		
Terminal Date:	3rd September 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
11	Distribution of New Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021

Section 2. Achieving sustainable development..
 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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has planning permission for a maximum of 3 single storey dwellings (ref. H22-0685-20), with access off an existing private roadway. Reserved matters approval is now sought for 3 no. 4 bed bungalows.

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

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

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) - Under consideration.

Consultation Responses

Weston Parish Council - No response received.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Public - Resident comments received (summarised):
Request boundary fencing.

Planning Considerations

The principle of 3 single storey dwellings on the site has already been established by virtue of the outline consent (ref. H22-0685-20). This application is therefore to assess the reserved matters, namely:

- i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
- ii) the means of access to the site;
- iii) the landscaping of the site;
- iv) other matters such as boundary treatment and the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reserved matters approval is sought for 3 no. 4 bed bungalows with attached/integral garages. They would be constructed in Hampton Rural Blend brickwork with Redland Stonewold roofing tiles. The driveways would be constructed in block paving (charcoal) and tree/hedge planting would be undertaken.

The site is set behind a row of existing semi-detached houses. 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.

In terms of 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 2 metre high fencing is proposed along the boundary. The semi-detached properties to the south have long rear gardens, thus increasing separation distances.

Plot 1 has utility and garage doors, plus utility, en-suite and kitchen windows on its eastern elevation. Plot 3 has similar plus a secondary dining room window on its western elevation. Finished floor levels would only be 300mm above existing ground level in accordance with condition 12 of the outline permission. Two metre high closeboarded fencing is proposed along the boundaries of the site. 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.

A refuse collection area would be provided at the site's entrance.

Vehicular access would be via a private roadway. Each plot would have a minimum of 3 parking spaces (including the double garages). The County Highways Authority raises no objections on highway safety grounds.

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.

A separate condition compliance application has been submitted to discharge conditions that are not reserved matters (ref. H22-0747-21) and this is still under consideration.

Other Matters

Concerns were raised at the outline stage over alleged encroachment onto neighbouring land. This was taken up with the agent who 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.

Planning Balance

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 4, 30 and 36 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 planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.