

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0894-23 **Applicant:** Highgrove Homes (Spalding) Ltd.

Proposal: Erection of detached 3 bed bungalow

Location: Adj. 2 Fengate Drove Weston Hills Spalding

Terminal Date: 30th November 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of a detached three bed bungalow on land adjacent to 2 Fengate Drove, Weston Hills.

Site Description

The site lies within the defined settlement boundaries of Weston Hill as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The site sits adjacent to No. 2 Fengate which is a two storey dwelling made from bricks with a tiled roof and white uPVC windows and doors, this is of similar materials to other dwellings the immediate area. There are small number of dwellings to the north east of the site with the majority of this land acting as fields etc.

History

No relevant planning history.

Consultation Responses

South Holland Internal Drainage Board

No comments, advised that consent may be required under Byelaw 3.

Lincolnshire County Council Highways

No objection -

The proposed dwelling is to be accessed via the existing vehicle access crossing serving the host dwelling. This is on the outside of a bend in Fengate Drove, where a driver entering the highway has adequate visibility of any vehicles that may be approaching from either direction. Space is to be provided within the curtilage of the proposed dwelling, and retained within the curtilage of the host dwelling, for vehicle manoeuvring, so that it would not be necessary for a vehicle to have to reverse out into the highway. Whilst there are no footways along Fengate Drove, the vehicle movements along this road are not so frequent that it would be unsafe to walk along the carriageway. The presence of the host dwelling and the neighbouring properties would support this view.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Highway Informative 08 -

Please contact the Lincolnshire County Council Street works and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's

website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

South Holland District Council Environmental Protection

No comments.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Other Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application in this instance is within the Weston Hills, an 'Other Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria. 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 key material considerations are addressed below.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2021) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The walls of the proposed dwelling will be made from traditional brick and stone old Fulford blend facing brickworks. This brickwork is considered to be acceptable as it will match the brick of the nearest dwelling and therefore will not harm the street scene. Additionally, there are a variety of brick types nearby and therefore this means there is no one set design the development should follow. Similarly, the roof will also be similar to other dwellings and shall be Sandtoft double pantiles in the colour terracotta. Both the windows and doors shall be a cream uPVC with some doors being composite or aluminium bi-fold doors. Rainwater goods, soffits and fascias are made from black uPVC. Both the front door and garage door will also be black with a composite and roller shutter door for the garage. The majority of these features on other dwellings nearby are made from white uPVC and therefore this could be considered to contrast with adjacent and nearby properties, however the use of cream will look somewhat similar to white and therefore this is not considered to be a significant contrast in this regard. The boundary treatment shall be a timber post and rail feather board fence and timber knee rail, there is also a variety of designs of boundary treatments and therefore the use of this style is acceptable and favourable. Finally, at the front of the property the vehicle access and driveway shall be constructed through golden gravel stones, this is also acceptable as the use of gravel/ stones on drives are common along Fengate. Based on this, the materials used on this proposed dwelling are therefore considered to be acceptable and will ensure the bungalow does not harm the street scene.

The ridge height of the main dwelling shall be slightly higher than the attached garage, with the garage being 5000mm and the bungalow sitting at 5800mm. To the eaves, however, they will be at the same level which is approximately 2600mm in height. At its longest, the bungalow is around 16000mm with a total width of around 18500. This development will be a similar size to other bungalow further along Fengate and therefore is considered to be proportionate, furthermore, this makes the proposed dwelling appear less overbearing and less harmful to the street scene when viewed overall.

The layout of the proposed dwelling is as follows: the three bedrooms shall be located at the front of the dwelling with access through the main hall, 'Bed 1', located on the south features a dressing room with an en-suite which is adjacent to the main shared bathroom. On the opposite side there is a large open plan kitchen, dining and living room and the utility can be accessed through the an opening in the kitchen. Within the living room there is a set of bi-fold doors providing access into the

rear garden. The garage is attached to the property and is located on the south west side. A large shared driveway/ turning is situated at the front of the property with part of it being shared with No. 2 to provide access onto the highway. Fence Type A will run along the northern and western side of the curtilage which is a feather board fencing. Fence Type B is located on the eastern side, this is the post and rail fence, with type C & D being on the southern side closes to the neighbouring property, this shall be timber knee rail and a feather board fencing which shall be slightly higher than Type A. The proposed layout provides adequate space for the residents with a large open rooms.

Finally, the design of the bungalow features a gable roof on the southern side with a hipped roof on all other elevations, this is in keeping with designs of other nearby dwellings that feature predominately gable roofs and therefore this bungalow will not look out of place.

Taking account of the matters above, in respect of the surrounding context, design, scale and nature of the development, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area that would warrant the refusal of planning permission and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The positioning of the dwelling means that there should be no overshadowing as a result of the development taking place, there will be a separation distance of just over 6m from the southern side of the bungalow and No. 2. Further to this, due to the nature of the building being bungalow, naturally the height is significantly lower than other dwellings and this benefits the proposal to limit the potential for a shadow to be cast on a neighbour. The highest fence type will be located on the boundary nearest to the neighbour however, as mentioned, due to the positioning of the plot no shadow will be cast onto the nearby neighbours dwelling or garden. As such, it is therefore considered that there will be no overshadowing on No. 2 Fengate.

There shall also be no overlooking onto the nearest neighbour, on the side elevation facing this neighbour there are two windows in this direction. One window will be within the entrance hall and therefore this is not considered to be a main habitable room and therefore any issue would be minimal. Additionally, in the living room at the rear there is a set of bi-fold doors facing towards the neighbour, however the highest fence type is set in the eyeline from the living room and therefore this will mean that these doors do not provide a view into the garden and they will therefore not result in a loss of privacy in this instance.

Finally, the proposed bungalow will not appear overbearing on the street scene or locality, the bungalow could be considered to have a large area however most of this shall be at the rear and hidden behind the proposed boundary treatments along each curtilage. The overall height is also not considered to be substantial, as such this development is considered acceptable in this regard.

Overall, the proposal is therefore considered to be in accordance with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Flood Risk and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. However, the maps are broad brush and do not take into account any flood defences. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area identified as no danger. Despite this, due to the site being within Flood Zone 3 and classed as a 'More Vulnerable' development the Exception Test is required alongside the Sequential Test. The development is considered to pass the Sequential Test as it is not possible for the development to be located in zones with a lower probability for flooding in the immediate area due to the majority of Weston Hills being located in Flood Zone 3, further to this, they will ensure safety is achieved by making sure the finished floor levels of the bungalow are raised above the relevant predicted flood level for the area. Following on from this, the Exception Test must also be applied, as stated, this is stated as follows: there are two sections that must be passed to consider a development to be acceptable when compared against it, these are that it must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risks, informed by the SFRA and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reduce flood risk overall.

Firstly, this can be considered acceptable as the development is within the settlement boundary of Weston Hills and therefore this will help towards the Local Plan targets for sustainable growth and as such will benefit housing growth within the area and shall have a limited, but positive, contribution to this. In regards to the second section, the predicted flood depths show that it does not predict flooding in a 1 in 100 year fluvial or 1 in 200 year tidal event in 2115, therefore outlining that the development shall be safe for its lifetime. This shall also not increase flood risk elsewhere as the development is not within a functional flood plain for this area, thus not taking away an area designed for flooding purposes. Finally, this site-specific flood risk assessment can be considered to take into account the vulnerability of its users by stating '*In any area at risk of flood it is preferable that new dwellings should be of two storey construction with all bedrooms at first floor level. This is to provide a refuge for residents if the buildings were to become flooded after a major breach of the tidal bank, and ensure there is no danger to residents when they are asleep*'. To combat this, they shall raised the ground floor level 300mm above the level of the gravel and 150mm above the finished ground floor level of the existing house. Taking into account all the evidence, it shows that no flooding will occur at the site in a 1 in 1000 year event it is considered that a bungalow with bedrooms on the ground floor would be satisfactory and acceptable. The development of this bungalow is, as such, considered to pass the exception test.

The developers plan to dispose of surface water from the site through soakaways and foul sewage

through a package treatment plants and do not proposed to connect to an existing drainage system. South Holland Internal Drainage Board were consulted on this application due to a drain being located around 230m away from the development site, within their response they have stated that consent is not currently required under Section 23 of the Land Drainage Act 1991 and Byelaw 10 was not applicable. Under Byelaw 3 consent may be required. For Byelaw 3 (Surface Water) their comments read as follows *'The applicant intends to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3'* This has therefore been outlined and shows that consent may be required should the onsite material not be favourable for infiltration. It is important for the applicant to note that any discharge must be in line with the standards the IDB set out to ensure consent can be granted.

Additionally, the second part under Byelaw 3 for Treated Foul Water states that *'I note that the application intends to treat foul waste using a package treatment plant, and discharge the processed waste water to the ground via a drainage field. If the applicant's plans change to include a discharge of treated foul water to a watercourse, consent would be required under Byelaw 3'*, it is apparent that consent currently is not needed however it is important to note that it could be if the package treatment plant was to be altered. Section 23 of the Land Drainage Act 1991 states that *'I note the presence of a watercourse which is not maintained by the Board adjacent to the eastern and western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4)'*. Finally, there are no board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms.

The development proposed a bungalow with three bedrooms, as such there must be at least two spaces for vehicles. From the plans included it is apparent that the development has adequate parking along the front and side of the property with a turning area. The drive connects and is partially shared with No. 2. The garage on the southern side also meets the requirements to count as an extra parking space as it is larger than 2.6m by 5.6m when measured internally.

Lincolnshire County Council Highways were consulted on this application and have requested to include an informative on the decision notice and have viewed the application is acceptable despite some concerns raised regarding the lack of a footpath 'Whilst there are no footways along Fengate Drove, the vehicle movements along this road are not so frequent that it would be unsafe to walk along the carriageway. The presence of the host dwelling and the neighbouring properties would support this view.' As such, this development is considered to be acceptable on highway safety.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. Whilst the design is uncommon and is, to some degrees, at odds with the local and wider vernacular, the development hereby proposed does not significantly materially harm the character or appearance of the locality, notwithstanding some details mentioned throughout the report which has been justified as to why it is acceptable, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4, 29 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is 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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.