

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1187-22 **Applicant:** Mr P R White
Proposal: Residential Development
Location: Land Adj 6 Orchard Close Saracens Head Spalding
Terminal Date: 13th February 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
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 5. Delivering a sufficient supply of homes.
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	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN,	0	0	0	1

HISTORIC ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of 3no detached dwellings (one two storey and two one storey) which have previously been approved under outline/reserved matters planning permission. This application seeks to change plots 2 and 3 of the previously approved scheme from 4 bed two storey dwellings to 3 bed single storey bungalows.

Site Description

The site is located off Orchard Close, within the Saracens Head settlement boundary. It comprises an area of land (approximately 0.13ha) which is currently vacant but was previously occupied by a dwelling. Open fields are situated to the north, garden associated with No. 6 Orchard Close to the east and residential properties to the south, including no. 7 Orchard Close which has a blank gable end facing the site. Garden associated with Jade (house) is situated to the west. Access to the site is off Orchard Close, between no's 6 and 7.

History

H23-0290-21 - Erection of 3 dwellings - outline approval H23-0701-17 (allowed on appeal) - Approved on 18 May 2021

H23-0701-17 - O/A - Residential development - 3 dwellings - Refused 17 October 2017 - Allowed on appeal 5 April 2018

H23-1273-16 - Outline - Residential development (2 houses and garages), 6 Orchard Close, Saracens Head - Granted 8 February 2017

Consultation Responses

Whaplode Parish Council

Some concern about additional vehicular access in a restricted road area.

South Holland Internal Drainage Board

Recommends 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 the applicant would be expected to discharge surface water to a nearby watercourse. In this case, consent would be required under Byelaw 3.

LCC Highways/SUDs

No objections as there is sufficient parking/turning for each dwelling.

Lincolnshire Fire and Rescue

Although there will be no access and turning provision for a fire appliance as required under the Building Regulations 2010 Part B5, there is an existing fire hydrant in Orchard Close and the Fire Service would be able to deal with an incident should it become necessary. The previous objections and recommendations are therefore withdrawn.

LCC Historic Environment Officer

As previously advised it is recommended that the developer should be required to commission a Scheme of Archaeological Works.

Residents

One letter of objection has been received siting concerns of insufficient parking for plots 1 and 2.

Planning Considerations

Principle of development

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 proposed development is inside Saracens Head Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the SELLP 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 to meet the service needs of other local communities. Development will normally be limited to committed sites and infill.

The principle of 3 dwellings on the site has already been established by virtue of the outline planning permission (ref. H23-0701-17) which was allowed on appeal as well as the previous reserved matters permission therefore this is not disputed with this current application.

The proposal therefore generally accords with Policies 1 of the SELLP.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of SELLP 2019 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.

It should be noted that 3no dwellings have previously been approved on this site and the only changes this application proposes is to change plots 2 and 3 from 4 bed two storey dwellings to 3 bed single storey bungalow.

This application is for a residential development comprising 3no detached dwellings. The dwellings would in effect form backland development, however, given the varied character of the area and the fact the site has previous outline and reserved matters permission, the proposal could not reasonably be resisted on this basis.

The scale and spacing of the dwellings is on balance considered to be proportionate to the size of the plots and would retain sufficient amounts of outdoor amenity space, albeit it would be at the limit of what can be accepted on the site. As such it is not considered that the proposal results in overdevelopment of the site.

The proposed design of the two storey dwelling and the bungalows is considered sympathetic and

appropriate for the area. They would be constructed Wienerberger Olde Farndale Multi bricks with a Wienerberger Lindum Dark Grey roof. These materials are considered appropriate for the area. Internally, all the dwellings would be above the minimum space standards and the future householders would enjoy good living conditions.

The proposed boundary treatments are in line with the Planning Inspectorates recommendations. 1.8 metre high close boarded fencing is proposed along the eastern and western boundaries with post and rail fencing with native mixed hedging long the northern boundaries. Each plot would be divided by 1.8 metre high close boarded fencing.

As such on balance the proposed scheme is considered acceptable and the proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Neighbouring amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

In terms of residential amenity, it is accepted the 3no additional dwellings in this location would generate some noise, however, given the previous permissions for the site, the proposal cannot reasonably be resisted on this basis. The proposed boundary treatments would ensure that any potential impact on existing neighbours is minimised. With regards to the siting of the dwellings, it is not considered that any unacceptable overshadowing, overlooking or loss of privacy would result. The current scheme somewhat reduces the impact on the neighbours to the south and west compared to the previously approved scheme for two storey dwellings.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking/highway safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

One local resident has raised concerns with regards to insufficient parking for plots 1 and 2. The concerns are noted, however, each dwelling will now have 3no bedrooms therefore 2no off-street parking spaces are required for each plot. The dwellings include single garages, plus gravelled parking areas. As such each plots provides the required 2no off-street parking spaces therefore the proposal meets the current parking standards. Whaplode Parish Council has raised concerns with regards to the additional vehicular access. The concerns are noted, however the access has already been approved and no further changes are proposed in this respect. In addition, the LCC Highways Authority has not raised any objections to the access. The proposal therefore accords with Policies 2, 3 and 36 on highway safety/parking grounds.

Lincolnshire Fire and Rescue initially objected to the proposal on grounds of inadequate access and turning for a fire appliance. The concerns were noted, however, given the access remains the same as previously approved, to which no objections were made, therefore it is considered that it would be difficult to request changes to the access at this stage. Following discussions they have withdrawn their previous objections and recommendations and amended their response and has advised that although there will be no access and turning provision for a fire appliance as required under the Building Regulations 2010 Part B5, there is an existing fire hydrant in Orchard Close and the Fire Service would be able to deal with an incident should it become necessary.

Flood risk

Part of the site is located within Flood Zone 3 of the Environment Agency's Flood Maps, an area with a high probability of flooding. The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District lie within Flood Zone 3. 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 Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The proposed development is classed as 'more vulnerable' therefore it is necessary to complete the Exception Test.

Large parts of the South Holland district between the River Welland and River Nene lie within Flood Zone 3. As such, opportunities to undertake the development at an alternative site with a lower flood risk are limited.

The site is protected during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200) tidal event including climate change by the Wash tidal defences and River Welland defences. There is a residual risk to the area surrounding the site during a breach of the defences however the site is not at risk.

The submitted flood risk assessment advises that subject to the suggested mitigation measures including finished floor levels to be no less than 0.3m above the carriageway level of Orchard Close, 0.3m of flood resilient construction above finished floor level and occupants to register with the Environment Agency for flood warnings, there would be no risk of flooding.

South Holland Internal Drainage Board has advised 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 the applicant would be expected to propose to discharge surface water to a nearby watercourse. In this case, consent would be required under Byelaw 3. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. 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). The Lincolnshire post and rail fence should be sufficient to demarcate the gardens. The Board recommends that adequate space (3 - 5 metres) is left flat and free from obstruction adjacent to the aforementioned riparian watercourse in order to enable maintenance by the future owners of these dwellings. The proposed planting of native mixed hedging along the fence line will serve to hinder future maintenance efforts and may not be a suitable choice of boundary treatment. Furthermore, root ingress could affect the performance of the proposed soakaways in the rear gardens. An informative has been attached to the decision advising the applicant of the Boards Bylaws and advice.

Given the above and subject to the suggested mitigation measures the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Waste

No details have been submitted with regards to storage/collection of waste associated with the proposed dwellings. Plot 3 is more than 30 metres from the adopted highway therefore the applicant would usually be expected to arrange private waste collection as the maximum distance set in the "Private Drives - Waste Vehicle Collection Service Guidance Note" is 30 metres. However, in a recent appeal (APP/A2525/W/22/3298498) the Planning Inspectorate concluded that whilst the Council's Waste Collection Service Guidance Note has been adopted by the Council, it does not form part of the Development Plan. Additionally, it is unclear whether it has been subject to any degree of consultation. Whilst it remains a material consideration, it is a document to which only very limited weight can be afforded. In this instance whilst the distance to deposit refuse at the kerbside would be more than 30m, it would not be excessive (approximately 46 metres). Future occupiers of the dwellings would be aware of the distance to the kerbside, and could use various means to transport the waste. This is no different to the situation with the extant permission. As such the proposals would on balance provide acceptable arrangements for the collection of domestic refuse by the Council and do not require private waste collection arrangements.

Archaeology

The proposed development site falls within an area of known medieval salterns and any development in this location therefore has the potential to disturb them. The LCC Historic Environment Officer has advised that development in the area could disturb previously unknown archaeological finds and features which could further our knowledge of the development of this settlement and its regionally important salt working industry. As such it has been requested that the developer should be required to commission a Scheme of Archaeological Works which would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. This is noted and can be secured via conditions.

Planning Balance

The principle of residential development upon the site has already been established. The proposed development is acceptable in terms of siting and layout. No material harm would occur upon the amenity of adjacent residents, highway safety/parking or result in flood risk issues.

No adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 28, 30, 31, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12 and 14 of National Planning Policy Framework (2021).

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

The application can be approved under delegated powers.