DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H09-1325-21**	**Applicant:**	**Mr J Slator**
Proposal:	Erection of bungalow		
Location:	Adj. 25 Langwith Drive Holbeach Spalding		
Terminal Date:	24th March 2022		

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 2021

Section 2 - Achieving sustainable development
Section 3 - Plan Making
Section 4 - Decision making
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	1	0
WARD MEMBER	1	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a new single storey two bedroom bungalow to the rear of 25 Langwith Drive. The bungalow would have red bricks, white render, grey concrete roof tiles and grey upvc doors/windows.

Site Description

The site is located on Langwith Drive and is within the Holbeach settlement boundary. The site currently forms part of the residential garden associated with no.25 Langwith Drive. The site is currently enclosed by a boundary hedge and gate. The site is within the Environment Agency flood zone 3. The immediate area comprises a mixture of bungalows and two storey dwellings.

Recent Planning History

No relevant planning history.

Consultation Responses

Holbeach Parish Council

No objections.

Cllr T Carter
Objections as the proposal results in overdevelopment of the site. No additional parking is included.

Cllr F Biggadike

Consider a building of this size and design to be incongruous with the street scene and overbearing on neighbouring properties. Also concerns that the property may become a HMO.

LCC Highways

The amended details as shown on drawing number 0328/21/01A has reduced the parking provision to one vehicle. Therefore, in line with the Local Planning Authorities adopted parking standards in the local plan, we would ask the applicant to give further consideration of the parking provision where 2 parking spaces for a dwelling with three bedrooms are proposed.

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

SHDC Environmental Protection

No objections.

Residents
7no (some from same objectors) letters of objection have been received from local residents siting the following concerns:

·Alterations to the existing bungalow are not in keeping with the area
·Loss of privacy
·Overdevelopment of the plot
·Building another property will increase flooding in the street
·Building close to neighbouring properties will result in ground disturbance and structural damage
·The development will result in overshadowing and loss of light
·Design of the dwelling is not in keeping with the area
·The dwelling does not follow the existing building line

Planning Considerations

Principle of Development

The site is within the settlement boundary of Holbeach therefore the principle of residential development in this location is acceptable subject to other material considerations.

Layout, Design, Size and Scale

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area.

The above policies are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

One local resident has raised concerns that the external changes to the existing bungalow at no.25 Langwith Drive re not in keeping with the other properties in the area. The concerns are noted, however, the changes carried out to the existing bungalow do not require planning permission therefore this element cannot be controlled.

A number of objections have been received siting concerns that the proposal results in overdevelopment of the site and is not in keeping with the character of the area.

It is considered that the proposal would constitute an unacceptable form of cramped development which is out of keeping with existing development in the area by virtue of existing residential development being sited within larger plots. The proposed development would leave the existing bungalow and the proposed with little outdoor amenity space. All the dwellings in this part of the street sit on similar sized plots with parking to the front and adequate sized amenity areas to the rear. The proposal would result in a much smaller plot which is out of character with the prevailing density of the area and to the detriment of the existing character and appearance of the area.

In addition, existing dwellings on this part of the street at set back from the highway by at least 6 metres. The proposed bungalow would be set back by only 2.2 metres therefore it would appear overly prominent in the street, especially in relation to the existing development.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF.

Residential Amenity

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

Neighbours have raised concerns of loss of privacy, overshadowing, loss of light and potential ground disturbance and structural damage. With regards to concerns of ground disturbance and structural damage, it is not considered that the proposed development would unacceptably impact neighbouring properties given it would be sited away from neighbouring properties. The other concerns are noted and further discussed below.

The closest neighbour to the proposed development is no.23 Langwith Drive located to the east of the application site. The bungalow is proposed to be located close to the shared boundary with this neighbour, with the majority of it sitting adjacent to this neighbours front garden/driveway. Given the single storey nature of the scheme and the fact this neighbour does not have any primary windows in its side elevation facing the application site it is not considered that the proposed development would result in any overbearing impact, unacceptable overshadowing or overlooking.

With regards to the neighbour to the rear at no.27 Langwith Drive the proposed bungalow would be located approximately 3.7 metres from the shared boundary with this neighbour. Given the orientation of the property no overshadowing would result. The eaves would sit at only 2.4 metres in height therefore it would not appear overbearing. In addition, the pitch of the roof would face away from this neighbour, thereby further reducing any impact.

With regards to the existing dwelling on the site at no.25 Langwith Drive the proposed bungalow would be located approximately 3.1 metres from the boundary and 6.6 metres from the nearest elevation. This separation distance is on balance considered sufficient as to not result in any overbearing impact or unacceptable overshadowing given the single storey nature of the proposal. In addition, no windows are proposed in the side elevation facing no.25 therefore there would be no overlooking issues.

The proposal is therefore considered to be comply with Policies 2 and 3 of the SELLP in terms of amenity.

Parking/Highway safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage.

It is not clear how many bedrooms the existing bungalow at no.25 has and if the bungalow currently benefits from off-street parking provision, however, there is a large gate towards the rear which indicates that there was initially a vehicle access from Langwith Drive therefore there was off-street parking provision serving the existing bungalow. The proposed scheme does not show any off-street parking provision for the existing bungalow.

1no off-street parking space for the proposed bungalow is shown on the submitted revised block plan. Under the current parking standards 2no off-street parking spaces are required for a 2-bed property, as requested by the Local Highways Authority.

Given the site is not able to demonstrate on street parking provision for both dwellings in line with the current parking standards set under Appendix 6 of the SELLP the proposal would result in vehicles associated with both the existing and proposed bungalows parking on the street which would result in road safety concerns and a cluttered street appearance due to additional vehicles being parked on the road.

As such the proposal is contrary to Policies 2, 3, 36 and Appendix 6 of the SELLP in this respect.

Flood Risk/drainage

A local resident has raised concerns that building an additional property will increase flooding in the street. The concerns are noted and flood risk is further discussed below.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. 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 potential sources of flooding to the site are:-
1. Failure or overtopping of tidal defences of the River Welland or the Wash
2. High water levels in IDB drainage channels.
3. Localised flooding in the area.

SFRA indicate that the east bank of the River Welland will not be overtopped unless there is an event greater than 1 in 1000 years at the present time and in 2115 although it will not be overtopped in a 1 in 200 year event, it will be overtopped in a 1 in 1000 year event. There is a predicted low risk of up to 300mm depth of surface water flooding to Langwith Drive immediately north of the proposed site. There is low surface water flood risk with a predicted maximum depth of 300mm in Langwith Drive immediately north of the site of the proposed development.

The FRA indicates that as the flood risk is low at this location (predicted flood depth of up to 250mm in a 1 in 1000 year event in 2115) then it is considered that a dwelling with a bedroom on the ground floor is compliant with the guidance in the advice matrix on the South East Lincolnshire website.

Subject to mitigation measures such as raising the finished floor level by a minimum of 300mm above the existing ground level and also a minimum of 300mm above the level of Langwith Drive there would low risk of flooding. The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Onsite rainwater will discharge is proposed to a soakaway and foul water is proposed to discharge to a Package Treatment Plant. South Holland Internal Drainage Board has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment 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.

Planning Balance

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 dwelling would be located within the Holbeach settlement boundary and within the rear garden of no.25 therefore the principle of residential development in this location is acceptable. However, the proposal would constitute a cramped form of development with little outdoor amenity space afforded to the existing and the new dwelling. In addition, there would be insufficient off-street parking provision for the existing and proposed bungalows.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposed development fails to comply with Policies 1, 2, 3, 4, 10, 11, 17 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 4, 5, 11, 12 and 14 of the National Planning Policy Framework (NPFF), 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

That the application be refused under delegated powers.