DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0174-23**	**Applicant:**	**Mr & Mrs S Wells**
Proposal:	Residential Development		
Location:	Land Adj 17 Trafalgar Square Long Sutton Spalding		
Terminal Date:	12th May 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
17	Providing a Mix of Housing
28	The Natural Environment
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	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

This is a full application for a proposed detached chalet bungalow and a detached single garage sited between no's 17 and 18 Trafalgar Square. On the ground floor there would be a lounge, w/c, utility room and an open plan kitchen/dining/sun-lounge. On the first floor there would be 3no bedrooms; one with an en-suite shower room and a family bathroom. The garage would measure 3.8 metres (width) x 6 metres (depth) and stand at 4.2 metres in height (2.3 metres to the eaves).

The dwelling and garage would be constructed from wienerberger autumn russet sovereign bricks sitting under a dark grey santoft calderdale edge tiled roof. The windows would be white upvc with black upvc rainwater goods.

The front and rear boundary hedging would be retained. The northern and western boundaries would have wooden closed boarded fencing standing at 1.8 metres in height and dropping to 1.2 metres towards the front of the site.

The driveway to the front/side would have permeable paving blocks and part of the front garden would have flowering cherry. Mixed shrubs would be planted along part of the southern boundary.

It should be noted that the plans have been amended, moving the main entrance door to the front elevation, omitting 2no doors in the side elevations and changing the windows in the side elevations to high level windows.

Site Description

The site is located off Trafalgar Square and is sited within the Long Sutton settlement boundary. It comprises a parcel of land located between no's 17 and 18 Trafalgar Square. The site is flat and mainly laid to lawn. There is a hedge forming the front and rear boundaries and high level trees/hedge forming the northern boundary. The surrounding area is characterised by dwellings of varying ages and designs. The site is located in Environment Agency Flood Zone 3.

History

Consultation Responses

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 Authority

No objection subject to conditions/informatives with regards to the formation of a new access.

Environmental Protection

No objections.

Residents

One letter of objection has been received from a local resident siting concerns of overlooking from rear windows.

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 the Long Sutton 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 site is located within a residential street, between two residential properties. Although unclear it appears the site was originally part of either no.17 or 18 Trafalgar Square. As such residential use is already established on the site. Given this the principle of residential development at this location is not disputed.

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.

The proposed dwelling would be sited between no's 17 and 18 and would front Trafalgar Square. The proposed dwelling is considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space, similar to neighbouring plots. As such it is not considered that the proposal results in overdevelopment of the site.

The garage would be sited towards the rear of the site, a significant distance from the front boundary therefore it would appear minor when viewed from the street.

The front/side area would be used for parking/turning and the rear garden would be likewise of decent size to ensure good levels of amenity to the future residents. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The dwelling would be constructed from wienerberger autumn russet sovereign bricks sitting under a dark grey santoft calderdale edge tiled roof. It would have white upvc windows and black upvc rainwater goods. Given the wide mixture of materials in the street scene the proposed materials are considered acceptable and would not result in any unacceptable impact on the street scene.

The front and rear boundary hedging would be retained. The northern and western boundaries would have wooden closed boarded fencing standing at 1.8 metres in height and dropping to 1.2 metres towards the front of the site. These boundary treatments are typical of this type of

development to ensure privacy and similar to other plots in the street therefore they are considered acceptable.

The driveway to the front/side would have permeable paving blocks and part of the front garden would have flowering cherry. Mixed shrubs would be planted along part of the southern boundary. A condition has been including requiring this planting to be carried out and completed in its entirety during the first planting season following practical completion of the development.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Residential 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.

The original plans submitted included 4no windows and 2no doors in the side elevations accessed via external staircases with raised platforms. These were not considered acceptable given the raised floor levels of the proposed dwelling as there were concerns of overlooking and loss of privacy to the two adjacent neighbours. As such plans have been amended and now omit the 2no external doors in the side elevations. There are still a number of side facing windows proposed, however these would be high level therefore there are no overlooking or loss of privacy concerns.

The closest neighbour to the proposed development is no.18 Trafalgar Square located to the north of the application site. The proposed dwelling would be sited at least 2 metres from the shared boundary with this neighbour at its closest. It would sit forward of this neighbour by approximately 3 metres which can on balance be accepted as it would not result in unacceptable overbearing impact or overshadowing. In addition this neighbour has a garage and driveway adjacent to the application site therefore the main house is sited further away (5.5 metres from the boundary). This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing, especially given the pitch of the roof would face away from this neighbour. The proposed garage would be sited some 13 metres from the shared boundary with this neighbour which is considered sufficient given its modest footprint/height.

In respect of no.17 located to the south of the application site the proposed dwelling would be sited 4.2 metres from the shared boundary at its closest. Given this and the fact the pitch of the roof would face away of this neighbour there would be limited impact on this neighbour in terms of overshadowing. The garage would sit close to the shared boundary with this neighbour, however, given its modest footprint and eaves height with the bulk of the roof facing away from this neighbour, no unacceptable impact would result from this.

one local residents has raised concerns of overlooking from the rear windows. The concerns are noted, however, the proposed dwelling would be sited approximately 13.6 metres from the shared boundary with this neighbour, with the upper floor set at a distance of some 17.2 metres. 2no bedroom windows are proposed in the rear gable facing this neighbour. Given the separation distance the upper floor windows can on balance be accepted. The proposed garage would be sited close to the shared boundary with this neighbour, however, given its modest width and the 2.5 metre boundary hedge there would be limited views therefore no unacceptable impact is considered to result from this.

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).

Highway safety and car parking provision

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. Two spaces for dwellings with 3 bedrooms should be provided within the curtilage.

The proposed driveway layout would be sufficient for at least 2-3 cars that could enter and egress the site in a safe and forward manner. An additional space would be provided in the garage which

also meets the size requirements for enclosed parking spaces. Overall, the proposals would ensure minimum parking standards.

The submitted plans show the site served by a new access and the County Highways Authority has not objected to this subject to the submission of details regarding the new vehicular access and its subsequent approval at a later stage.

The proposal would therefore satisfactorily accord with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood risk and drainage

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.

The site is located within an Internal Drainage Board catchment and through the operation and maintenance of the pumping stations and the channel system the Board seek to maintain a general standard capable to providing flood protection to agricultural land and developed areas of 1 in 20 and 1 in 100 years, respectively.

The SFRA states that as it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the present day 1% fluvial and 0.5% tidal event. The site therefore has a low probability of flooding and is considered to pass the Sequential Test.

There is a residual risk to the site associated with a breach of the tidal defences. To mitigate this risk, it is recommended that finished floor levels of the dwelling is at +3.5m OD, 1.0m above the lowest ground level at the site, there is 0.3m of flood resilient construction above finished floor level and occupants to register with the Environment Agency for flood warnings.

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. It is noted that the applicant intends to dispose of foul water to a main sewer. Should the applicants' proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). 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.

Planning balance

The principle of developing the residential scheme is acceptable at such location given the site is

within the Long Sutton settlement boundary and a residential area.

The dwelling footprint would sit well within the plot and would not result in any unacceptable impact on the semi-rural character of the area. No unduly harm would occur upon the amenity standards of adjacent neighbours. The external materials and means of enclosures are appropriate for the site and the street scene.

On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal. There would be no flood risk concerns subject to mitigation measures which can be secured via a condition.

On balance, no adverse impact of approving the application 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, 17, 28, 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).

Accordingly, it is recommended to approve this application via delegated powers.

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.