DECISION DELEGATED TO HEAD OF PLANNING

| | | | |
|---|---|---|---|
| **Application No:** | **H14-0776-22** | **Applicant:** | **Mr W Schofield** |
| **Proposal:** | Erection of Dwelling - outline approval H14-0634-19 | | |
| **Location:** | Rear Of 160 Spalding Road Pinchbeck Spalding | | |
| **Terminal Date:** | 5th October 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**

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
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 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| RESIDENTS | 1 | 0 | 0 | 0 |

## CASE OFFICER ASSESSMENT

## PROPOSAL

This is reserved matters application for the erection of a dwelling to the rear of 160 Spalding Road, Pinchbeck. Outline permission was granted for this site under reference H14-0634-19. This application seeks to provide a two storey dwelling and a detached single garage in garden space to the rear of the existing dwelling. At ground floor level a lounge, utility, wc, and a combined kitchen / dining area will be provided. With three bedrooms, an en-suite, dressing area and a bathroom at first floor level. The proposed materials of construction are Crest Horta Multi brick with blue engineering brick up to damp proof course, with light grey Sandtoft Calderdale Smooth tiles. A 1.8 metre high fence will be sited on the north and west boundaries, with a 2 metre high fence on the east and south boundaries adjacent to the rear garden of the dwelling.

## SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The adjacent site to the north, east and south approved under reference H14-0633-21 is yet to be commenced at the time of the officer site visit on the 26th of August 2022. The site is in Environment Agency Flood Zone 3 and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. The finished floor level of the dwelling will be raised 0.5 metres above ground level to address potential flood risk.

## RELEVANT HISTORY

H14-0634-19

Outline - Residential - Erection of Dwelling - Approved - 09 August 2019.

H14-0633-21 - Beyond north, east and south boundaries of site

Full - Residential Development - 5 Dwellings - Approved - 14 December 2021.

## CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection - *"The proposal is for the erection of a single dwelling and it does not have an impact on the Public Highway or Surface Water Flood Risk. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application. It should be noted that the proposed development site sits within a flood zone 2 and 3 and a flood risk assessment will be required to satisfy the Local Planning Authority."*

Welland & Deepings Internal Drainage Board

No objection.

Member of the public - 1 - Objection

Overlooking to plots approved under full application H14-0633-21

## PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Sub-Regional Centres

When assessed against the relevant criteria the following can be observed:

The proposed dwelling will support Spalding's role as a Sub-Regional Centre.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the proposal is considered to be appropriate for the site and in keeping with the plot sizes in the vicinity. Existing trees on site will be removed and replaced with two Silver Birch, one Whitebeam and two Flowering Cherry. There is not considered to be a material impact on the character and appearance of the surrounding area.

2. The design is in keeping with dwellings in the vicinity, with the orientation of the dwelling not directly facing neighbouring properties.

3. The proposed materials of construction are Crest Horta Multi brick with blue engineering brick up to damp proof course, with light grey Sandtoft Calderdale Smooth tiles.

4. A new access will be formed within the existing garden space and will not immediately connect to the existing highway. The County Highways & SUDS Officer has no objection to the submitted details. The proposal provides three off road parking spaces, with the existing dwelling at 160 Spalding Road retaining two parking spaces. The level of provision for both properties accords with Appendix 6 of the SELLP which requests a minimum of two off road parking spaces for dwellings with three bedrooms or fewer.

5. The capacity of existing community services and infrastructure is not materially impacted by this proposal.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. The plot size is comparable to other in the vicinity and there is ample garden space to the rear of the dwelling.

Overshadowing - When right to light lines are drawn to the windows of neighbouring habitable rooms, no dwellings are materially impacted by a loss of light from either the dwelling or detached garage. The raised finished floor levels of 0.5 metres do not lead to a material overshadowing impact.

Overlooking - There is not considered to be a material overlooking impact from the proposed dwelling. The ground floor windows face the boundary fencing which is a minimum of 1.8 metres in height. There are no side elevation first floor windows. The frontage first floor windows serve an obscure glazed en-suite and two bedrooms. The orientation of the dwelling is such that the windows of the dwelling do not directly face the windows of any neighbouring dwellings. The closest distance to the windows of the bungalow at Plot 1 of H14-0633-21 is approximately 15 metres away to the north east. The raised finished floor levels of 0.5 metres are not considered to lead to a material overlooking impact. Boundary treatment is a matter to be addressed by condition for the adjacent plots. To date a condition compliance application is yet to be submitted regarding this matter. The rear elevation window of the proposed dwelling serves a bedroom with two rooflights that are minimum of 1.6 metres above floor level. These rooflights do not provide a material overlooking impact. The rear elevation first floor bedroom window faces the blank rear wall of the detached garage of Plot 4 of H14-0633-21 to the south. This window does not directly face the windows of the two storey dwelling Plot 4 which is 23 metres away at the nearest point.

7. The site is in Environment Agency Flood Zone 3 and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be addressed by a soakaway in the rear garden, with foul water drainage to connect to an existing public foul sewer.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the proposal is considered to be appropriate for the site and in keeping with the plot sizes in the vicinity. Existing trees on site will be removed and replaced with two Silver Birch, one Whitebeam and two Flowering Cherry. There is not considered to be a material impact on the character and appearance of the surrounding area, nor on a sense of place.

5. There is ample space on site for cycle and bin storage. The proposal provides three off road parking spaces, with the existing dwelling at 160 Spalding Road retaining two parking spaces. The level of provision for both properties accords with Appendix 6 of the SELLP which requests a minimum of two off road parking spaces for dwellings with three bedrooms or fewer.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to constitute overdevelopment. The plot size is comparable to other in the vicinity and there is ample garden space to the rear of the dwelling.

Overshadowing - When right to light lines are drawn to the windows of neighbouring habitable rooms, no dwellings are materially impacted by a loss of light from either the dwelling or detached garage. The raised finished floor levels of 0.5 metres do not lead to a material overshadowing impact.

Overlooking - There is not considered to be a material overlooking impact from the proposed dwelling. The ground floor windows face the boundary fencing which is a minimum of 1.8 metres in height. There are no side elevation first floor windows. The frontage first floor windows serve an obscure glazed en-suite and two bedrooms. The orientation of the dwelling is such that the windows of the dwelling do not directly face the windows of any neighbouring dwellings. The closest distance to the windows of the bungalow at Plot 1 of H14-0633-21 is approximately 15 metres away to the north east. The raised finished floor levels of 0.5 metres are not considered to lead to a material overlooking impact. Boundary treatment is a matter to be addressed by condition for the adjacent plots. To date a condition compliance application is yet to be submitted regarding this matter. The rear elevation window of the proposed dwelling serves a bedroom with two rooflights that are minimum of 1.6 metres above floor level. These rooflights do not provide a material overlooking impact. The rear elevation first floor bedroom window faces the blank rear wall of the detached garage of Plot 4 of H14-0633-21 to the south. This window does not directly face the windows of the two storey dwelling Plot 4 which is 23 metres away at the nearest point.

12. The site is in Environment Agency Flood Zone 3 and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be addressed by a soakaway in the rear garden, with foul water drainage to connect to an existing public foul sewer.

This application accords with SELLP Policy 3.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3a and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within a 'danger for most' hazard zone, with predicted flood depths of up to 0.5 metre.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Spalding. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 0.5 metres above ground level. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaway and for connection to the made to the existing foul drainage pipes for foul water disposal.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

## PLANNING BALANCE

Whilst there is residential development in all directions from the site, due to the siting and design there is not considered to be a material impact on the character and amenity of the site from this proposed two storey dwelling. This application accords with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019 as well as Sections 5, 12 and 14 of the National Planning Policy Framework.

## CONCLUSION

This application is recommended for approval.

## 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.