DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0002-21**	**Applicant:**	**Mr N Hutton**
Proposal:	Residential Development - erection of 2 dwellings - approved under H16-0699-20. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	The Beeches Horseshoe Road Spalding		
Terminal Date:	1st March 2021		

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 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

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
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application for Residential Development - erection of 2 dwellings - approved under H16-0699-20. Modification of Condition 2 to allow amendments to previously approved plans on land adjacent The Beeches, Horseshoe Road, Spalding.

Plot 2 remains completely unaltered from the originally approved plans of H16-1089-19. Plot 1 differs from the approved alterations on application H16-0699-20 in the following ways:

- At ground floor level an internal sink will be sited in the double garage.

- At first floor level two east facing rooflights will be removed from the dressing room. A south facing rooflight will be sited in the storage area.

- At second floor level the storage room is to be removed, and bedrooms five and six amended. A shower room will be replaced with a bathroom. A toy cupboard and a linen room area also to be provided. Two east facing rooflights will serve bedroom 6 as well as a thin south facing window. The thin west facing window that serves the linen room is over 12 metres from the boundary with the Beeches. As the linen room window is narrow and does not serve a habitable room, there is not considered to be a material overlooking aspect.

- To the rear of Plot 1, a garden room will be sited 0.25 metres from the side and rear boundaries. The garden room will measure 4 metres in depth, 7 metres in width and 3 metres in height. The building will be constructed from timber cladding to the north facing front and west facing side elevations. Black rubber waterproof finishing will be on the east facing side elevation and the south facing rear elevation. An anthracite fascia and anthracite bi-fold doors will be sited on the front elevation.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is predominately rural, characterised by dwellings of varying ages and design. The site is within Flood Zone 3 and is not shown to be subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H16-1216-95

Full - Bungalow and garage - Refused - Appeal dismissed - 02 December 1996

H16-0244-96

Full - Erect bungalow and garage - Approved - 06 December 1996

H16-0382-04

Section 73 - Retention of dwelling without complying with agricultural habitation clause (Condition 4 of H16/0244/96) - Approved - 14 May 2004.

H16-0064-16

Outline - Proposed residential development - Approved - 29 February 2016.

H16-1314-16

Modified Agreement - Discharge of 106 Agreement relating to H16-0244-96 - Approved - 20 February 2017.

H16-1089-19

Full - Residential development - erection of 2 dwellings - Approved - 30 December 2019.

H16-0699-20

Section 73 - Residential Development - erection of 2 dwellings - approved under H16-1089-19. Modification of Condition 2 to allow amendments to previously approved plans and details of external materials, foul & surface water disposal, landscaping, contamination and archaeology (Conditions 3, 4, 5, 7 and 8) - Approved - 21 October 2010.

CONSULTATION RESPONSES

None received.

PLANNING CONSIDERATIONS

Principle of development

Whilst currently divorced from the existing built settlement of Spalding, the site is included within the defined settlement limits as the land in between forms part of the proposed housing area Mon 005 under the South East Lincolnshire Local Plan. The principle of development in this location is therefore acceptable.

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps and is not shown to be subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. A sequential test therefore needs to be undertaken. 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. Paragraph 158 of the National Planning Policy Framework advises that: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." 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 site, as situated, is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency 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.

The South Holland Strategic Flood Risk Assessment (2017) is therefore used as a basis to apply the sequential test. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should be applied. The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district.

Amendment to design of plot 1

There is not a defined development character in the vicinity and the properties are of a traditional and modern design. The proposed construction materials are commonly used in the surrounding area. The proposed alterations to the dwelling itself are minor in visual terms. The garden room is single storey and located at the very of the plot, meaning that it would not have an impact on the

amenity of Plot 2 or the wider area.

Potential for overlooking

The proposal seeks to relocate and add windows and rooflights. Due to the distance to the neighbouring plots from the window and the height of the rooflights is above 1.8 metres from floor level. This is not considered to materially impact residential amenity nor the character of the surrounding area.

PLANNING BALANCE

The proposed amendments to Plot 1 do not materially impact the amenity and character of the area and therefore are considered to be in accordance 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, 2019.

CONCLUSION

A delegated approval is considered to be appropriate.

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.