DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0125-23**	**Applicant:**	**Mrs L Butters**
Proposal:	Erection of Retirement Dwelling		
Location:	Adj. 1 The Beeches Spalding		
Terminal Date:	6th April 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a detached, two-bed property at 1 The Beeches, Spalding. The development is designed to serve as a retirement dwelling for the occupier. The dwelling as an irregular octagon, comprised of a main square section and a protruding rectangular snug.

The property will be comprised of two storeys, with all living space being on the first floor. A double garage, garden storeroom and utility room will be located on the ground floor. An open plan, living/ dining area and two bedrooms will be located on the first floor. Each bedroom will have an ensuite. A first-floor balcony will face south.

The design is fairly modern, with a heavy use of glass. The walls will be comprised of red-brick and grey faux wood panelling. The roof will be tiled with grey concrete interlocking tiling and all windows and doors will be grey UPVC. Fascia, bargeboards, and guttering will be black UPVC.

The property will measure approximately 14.4 metres by 13 metres, occupying an approximate area of 184 square meters. There is a proposed separation distance of 5.4 metres to the edge of the eastern curtilage and 8.5 metres to the southern curtilage. A 1.8-metre-high Laurel hedge is proposed around the entire curtilage, bar the access route to the south-east.

Site Description

The proposal is within Spalding's settlement boundaries. The site is located down a leafy cul-de-sac and will be constructed within the curtilage of 1 The Beeches. The site is south-west of the existing dwelling. 1 The Beeches is a substantial, 5-bedroom property. The existing dwelling is currently owned by the developer. The property is approximately 80 metres from north-west of Beechfield Medical Centre and 165 metres west of the river Welland.

The area is characterised by two-storey residential developments of varying ages and design. All properties have significant garden space. There is a considerable number of trees here due to the Tree Protection Order that has been placed over the cul-de-sac.

Relevant History

H16-0131-88 - Full. Two houses and one bungalow. Approved 06/07/88.

H16-0459-96 - Outline. Proposed dwelling including siting. Approved 19/12/96.

H16-0714-99 - Full. Proposed dwelling with swimming pool. Approved 06/10/99.

H16-1287-99 - Full. Proposed double garage. Approved 04/02/00.

H16-0189-00 - Condition compliance. Details of swimming pool plant and machinery. (Condition 4 of application H16/0714/99). Approved 14/03/00.

H16-0474-11 - Full. Proposed garage extension. Approved 16/08/11.

H16-0014-13 - Full. Proposed extension and alterations. Approved 28/02/13.

Consultation Responses

Historic Environment Officer

No archaeological impact.

South Holland Internal Drainage Board

Stated no objections, however, recommended that the applicant seek consent under Byelaw 3.

Environment Agency

Recommended that conditions be placed to ensure that the ground floor space only be used as a non-habitable space and to remove permitted development rights for the property.

Highway and Lead Local Flood Authority

"No objection. Access to the proposed dwelling is to be taken from the existing private driveway off Beechfield Gardens that serves the host dwelling and two neighbouring dwellings with no alteration to the point where the private driveway joins the public highway. As such, the proposed arrangement would not be expected to give rise to any unacceptable impact upon highway safety and neither would this single retirement dwelling be expected to have a severe residual cumulative impact upon the capacity of the local highway network. The highway authority does not therefore wish to object to the grant of Consent for this Application."

Environmental Protection

No observations

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 site is situated within the settlement boundary for Spalding & Pinchbeck, as set out in the SELLP. Policy 1 indicates that within the settlement boundary of Spalding development will be permitted that supports its roles as Sub Regional Centres. The proposal is for a single dwelling situated in between existing residential development. It can therefore be considered infill development. Incremental growth via infill development will help, albeit only to a small extent, to sustain existing facilities. The site is therefore considered to be suitable in locational terms.

Flood Risk

The submitted flood risk assessment and the Environment Agency's flood risk maps show that the vast majority of South Holland is within Flood Zones 2 and 3, and that almost all of Spalding is within Flood Zone 3. The site itself lies within Environment Agency Flood Zone 3a. The South-East Lincolnshire Strategic Flood Risk Assessment, March 2017, (SFRA) classify the site as "Danger for All", with flood water expected to reach over 2 metres in a 100-year flood event.

The National Planning Policy Framework, 2021 (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 zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The SFRA is the basis for applying the sequential test. As the majority of the district is within Flood Zones 2 and 3, 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 the NPPF.

Within the SELLP, reasonably available sequentially preferable sites have been identified in Spalding in terms of flood risk. There are a few sites within Spalding that are in a lower risk flood zone, however these sites are allocated to developments of greater than ten properties. It could

therefore be argued that, should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, the site is acceptable in flood risk terms.

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.

The site is located within a hazard zone marked as "Danger for All" on the SFRA maps. As such, no living space can be located on the ground floor and no habitable floor level can be less than 2 metres above ground level. The proposal achieves both of these targets. 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.

In terms of drainage, the proposal is for surface water to be disposed of via soakaway and for foul water to be disposed of via mains sewer. There are no known permeability issues in this area that would preclude the use of soakaways and Anglian Water are obligated to accept foul water flows from new development.

Given the above, the proposal is considered to be in accordance with Policies 4 and 30 of the Local Plan with regard to their provisions on flood risk, drainage and ground pollution.

Layout, Design, Size and Scale

Paragraph 130 of the 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. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the South-East Lincolnshire Local Plan (SELLP), 2019 states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed scale and materials of the dwelling are listed above. It is considered that size and bulk of the development is in proportion to the plot size and the needs of the future occupier while also being in keeping with the surrounding area. As the proposal is for a retirement property, the smaller size of garden is considered acceptable.

While the grey colour pallet proposed is not seen elsewhere in the neighbourhood, it would not be out of keeping with the area. While the cladding present would also be unique to the property, it would, again, not be incongruous to the area. There is a sufficient mix of designs and materials within the cul-de-sac and the wider area that the proposed would be incorporated seamlessly into the area.

The proposal would be well screened from the main road by the ample number of trees and hedging. The hedging surrounding the property is of significant size and offers ample protection from overlooking and overshadowing.

Taking the above into account, the proposed is deemed to comply with Policies 2 of the SELLP and Section 12 in the NPPF in terms of layout, design, size, and scale.

Impacts Upon Resident Amenity

Paragraph 130 of NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There is the potential for 3 Beechfield Gardens to see some reduction in light to their rear kitchen window and their sunroom. However, as the property is to the south of the proposal, the loss of light would be reduced and the impacts of the development would be minimal. The significant size of the boundary treatments would prevent the balcony of the proposed dwelling from overlook 3 Beechfield Gardens' garden. Therefore, the impacts upon 3 Beechfield Gardens would be limited

There is a limited potential for 3A Beechfield Gardens to see a reduction in light. There is approximately 9 metres between the edge of the proposed dwelling and the kitchen of 3A. This

kitchen has a large number of rooflights looking up to the proposed dwelling's landing. This distance is sufficient to prevent significant overshadowing. A window does overlook 3A, however, the overlooking window is located on the landing. As this is not a habitable space, the actual potential for overlooking is minimal. Again, boundary treatments further reduce the potential impacts of development

The development will occur within the curtilage of 1 The Beeches. This property has a substantial garden, and the loss of space will not have a significant impact on the amenities of the occupant.

As such, the proposal achieves the aims of Policies 2 and 3 of the SELLP with regard to residential amenity

Highways and Parking

Policy 36 in conjunction with Appendix 6 of the SELLP outlines parking requirements. A minimum of two parking spaces will be required. The proposal features a double garage and a large drive which could serve as an additional parking space. This will sufficiently meet the requirements of Policy 36 and Appendix 6.

The relevant consultee from the Highways Department raised no objections to the proposal.

The proposal is therefore considered acceptable in terms of highways and parking.

Planning Balance

The design of the proposal is in keeping with the area. The materials, bulk and general aesthetics match the character of the cul-de-sac.

Due to the significant hedging and the positioning of the proposal, the potential for overlooking and overshadowing is minimal. The loss of space within the curtilage of 1 The Beeches will not have a significant impact upon the occupiers of the property. There is still sufficient amenity space, and the area to be occupied is currently used as a garage/ driveway.

The proposal is acceptable from a highways and parking perspective, maintain ample room for parking and having a minimal impact upon the wider area's traffic.

In having no habitable space on the first floor, the proposal has adhered to the advice of the Environment Agency and conforms to Policy 4 of the SELLP. To ensure the longevity of this development, conditions should be imposed inline with the Environment Agency's recommendations.

The proposal is in a sustainable location, with the necessary services and amenities within walking distance. The proposal is for a retirement dwelling, and has been adapted to suit the needs of its occupiers. The development would therefore ensure a high living standard, whilst maintain the independence and health of its occupier.

No objections have been raised against the proposal.

The proposal therefore adheres to Policies 1, 2, 3, 4, 36 and Appendix of the SELLP. The recommendation is for delegated approval.

Conclusion

The recommendation is for delegated 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.