

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0131-23	Applicant:	BLM Builders Ltd
Proposal:	Proposed House and Garage - (Plot 4)		
Location:	Horseshoe Road Spalding Lincolnshire		
Terminal Date:	18th 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
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
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed house and garage at Plot 4 of Horseshoe Road, Spalding. The site already has planning permission for a large family home under H16-0796-20. The proposal seeks to provide a detached two storey dwelling with an additional second floor in the loft space. At ground floor level an integral garage, vestibule, hallway, study, lounge, wc, utility and an open plan kitchen, dining and seating area will be provided. At first floor level four bedrooms, two en-suites, two dressers and a bathroom are proposed. In the second floor loft space two bedrooms and a bathroom are sought. This brings the total number of proposed bedrooms to six. Proposed materials are red / orange multi bricks, Sandtoft Calderslate slate or similar tiles, as well as cream UPVC windows and doors. Exact materials of construction would be addressed by condition. Foul water will be treated by a sewage treatment plant to the rear of the property, with surface water addressed by soakaway crates to the front of the property. A 2 metre high frontage wall with black wrought iron railings set between brick piers will be sited 2 metres from the Horseshoe Road.

SITE DESCRIPTION

This brownfield site used to house a plant hire business and is located inside but close to the edge of the defined settlement limits of Spalding. The surrounding area is predominately rural to the north and south and is characterised by linear development east to west of varying ages and designs. The site is located in Environment Agency Flood Zone 3, and is not impacted by increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels shall be set 300mm above average ground levels to prevent surface water flooding. There is a current application on the adjacent site to the east under reference H16-1198-22. This application will be assessed taking into account the adjacent proposal.

RELEVANT HISTORY

H16-0482-14

Outline - Residential development - Refused - 17 September 2014 - Allowed on Appeal - 29 July 2015.

H16-0715-16

Reserved Matters - Residential development - Erection of four dwellings - Outline approval H16-0482-14 - Approved - 23 October 2017.

H16-0796-20

Section 73 Modification - Residential Development - Erection of 4 dwellings - approved under H16-0715-16. Modification of Condition 1 to allow amendments to previously approved plans - Approved - 07 January 2021.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection - *"Consent for Plot 4 has previously been granted under reference H16-0796-20. This Application seeks only to change the design of the dwelling to be constructed on Plot 4. As such, there is no highways reason for withholding consent for this Application."* The Officer requests standard access and utility informatives.

Lincolnshire County Council - Historic Environment Officer

They are content that the archaeological details submitted address all matters on site.

South Holland District Council - Environmental Protection

They are content for a pre-commencement condition to be added to cover the area between Plot 4 and land to the east not addressed by the desk study.

Welland & Deepings Internal Drainage Board

No comments

PLANNING CONSIDERATIONS

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

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

The site is not served by a public transport route or by a pedestrian link, however, it is considered to be in a sustainable location by virtue of being sited within the defined settlement limits of Spalding which is a sub-regional centre in the 2019 South East Lincolnshire Local Plan.

Assessment against SELLP Policy 2 - Development Management

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

1. The size, scale and layout is considered to be acceptable for the site and is comparable to other dwellings approved, under construction or in habitation, in the vicinity of the site. No trees will be removed to facilitate this proposal. The proposal is not considered to have a detrimental impact on the character or appearance of the area, nor the relationship to existing land uses.
2. The design and orientation is in keeping with the other dwellings in the vicinity of the site.
3. Proposed brick is red / orange facing brick with Sandtoft Calderdale Slate or similar for the roof. The exact materials of construction would be addressed by condition.
4. The proposed access affords good visibility in both directions and the site can accommodate in excess of three off road parking spaces, which is the minimum requested for dwellings with four bedrooms or greater under Appendix 6 of the South East Lincolnshire Local Plan.
5. There is not considered to be an impact on existing community services and infrastructure as a result of the proposal.
6. There is not considered to be a noise, odour or disturbance impact from the proposed dwelling. With regard to visual intrusion, the dwelling to the west approved under reference H16-0185-22 is currently under construction, with the dwelling to the east under reference H16-1198-22 currently awaiting a decision. Whilst not currently approved, the application must be considered against the proposed layout of this dwelling, as well as the dwelling under construction at plot 3 to the west. With this in mind the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. The dwelling continues an existing line of development and ample space remains to the front and rear of the site.

Overlooking - There is not considered to be a material overlooking impact. The ground floor windows to the front and rear are considered to represent a standard frontage orientation with side elevation windows facing the 2 metre high side boundary fencing. At first floor level there is a narrow east facing window serving the rear bedroom that faces the dwelling under H16-1198-22 which has two first floor obscured glazed en-suite windows. The downstairs dining room window will not be overlooked due to the 2 metre high boundary fence which is immediately adjacent. The front and rear elevation first floor and second floor level do not overlook the dwellings to the east and west, and are considered to represent a standard frontage orientation. There are no windows in the dwelling under H16-1198-22 which directly overlook this dwelling. The west facing first floor windows of the proposed dwelling serve an en-suite and a bathroom which are obscure glazed.

Therefore, there is not considered to be an overlooking impact to the dwelling under construction under reference H16-0185-22. There is a narrow glazed area serving the rear balcony at H16-0185-22 that faces the dwelling, however, this area faces the predominately blank first floor elevation that contains obscure glazed bathroom and en-suite windows. The ground floor windows of the dwelling are immediately adjacent a 2 metre high boundary fence, therefore they are not overlooked by the narrow glazed rear balcony.

Overshadowing - There is not considered to be a material overshadowing impact to or from the proposal. There are no second floor side elevation windows in the proposed dwelling or the dwelling to the west under reference H16-0185-22. When right to light lines are drawn from the 20 metre high dwelling at H16-0185-22 to the proposed dwelling 4.9 metres away there is not a material loss of light to the first floor west facing obscure glazed windows of the en-suite and bathroom. When right to light lines are drawn from the 21 metre high proposed dwelling to the dwelling at H16-0185-22 there is not a material loss of light to the obscure glazed east facing glazed balcony area. Additionally the glazed south facing rear elevation of the balcony is not impacted by a loss of light. When right to light lines are drawn from the 21 metre high proposed dwelling to the two first floor en-suites windows of the dwelling under H16-1198-22 2.5 metres away, there is a loss of light that will occur during evening hours but not during the earlier part of the afternoon. As these windows are obscure glazed and do not serve habitable rooms there is not considered to be a justification for a redesign or relocation of the proposal. When right to light lines are drawn from the 20 metre high dwelling at H16-1192-22 to the proposed dwelling there are no first floor east facing windows immediately adjacent and the other east facing window serves a bedroom that is 11 metres away.

7. The site is located in Environment Agency Flood Zone 3, and is not impacted by increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels shall be set 300mm above average ground levels to prevent surface water flooding. Foul water will be treated by a sewage treatment plant to the rear of the property, with surface water addressed by soakaway crates to the front of the property.

This application is considered to accord 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 is considered to be acceptable for the site and is comparable to other dwellings approved, under construction or in habitation, in the vicinity of the site. No trees will be removed to facilitate this proposal. The proposal is not considered to have a detrimental impact a sense of place, on the character or appearance of the area, nor the relationship to existing land uses.

4. The site is not served by a public transport route or by a pedestrian link, however, it is considered to be in a sustainable location by virtue of being sited within the defined settlement limits of Spalding which is a sub-regional centre.

5. There is ample space on site for bin and cycle storage. The proposed access affords good visibility in both directions and the site can accommodate in excess of three off road parking spaces, which is the minimum requested for dwellings with four bedrooms or greater under Appendix 6 of the South East Lincolnshire Local Plan.

11. There is not considered to be a noise, odour or disturbance impact from the proposed dwelling. With regard to visual intrusion, the dwelling to the west approved under reference H16-0185-22 is currently under construction, with the dwelling to the east under reference H16-1198-22 currently awaiting a decision. Whilst not currently approved, the application must be considered against the proposed layout of this dwelling, as well as the dwelling under construction at plot 3 to the west. With this in mind the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. The dwelling continues an existing line of development and ample space remains to the front and rear of the site.

Overlooking - There is not considered to be a material overlooking impact. The ground floor windows to the front and rear are considered to represent a standard frontage orientation with side elevation windows facing the 2 metre high side boundary fencing. At first floor level there is a narrow east facing window serving the rear bedroom that faces the dwelling under H16-1198-22

which has two first floor obscured glazed en-suite windows. The downstairs dining room window will not be overlooked due to the 2 metre high boundary fence which is immediately adjacent. The front and rear elevation first floor and second floor level do not overlook the dwellings to the east and west, and are considered to represent a standard frontage orientation. There are no windows in the dwelling under H16-1198-22 which directly overlook this dwelling. The west facing first floor windows of the proposed dwelling serve an en-suite and a bathroom which are obscure glazed. Therefore, there is not considered to be an overlooking impact to the dwelling under construction under reference H16-0185-22. There is a narrow glazed area serving the rear balcony at H16-0185-22 that faces the dwelling, however, this area faces the predominately blank first floor elevation that contains obscure glazed bathroom and en-suite windows. The ground floor windows of the dwelling are immediately adjacent a 2 metre high boundary fence, therefore they are not overlooked by the narrow glazed rear balcony.

Overshadowing - There is not considered to be a material overshadowing impact to or from the proposal. There are no second floor side elevation windows in the proposed dwelling or the dwelling to the west under reference H16-0185-22. When right to light lines are drawn from the 20 metre high dwelling at H16-0185-22 to the proposed dwelling 4.9 metres away there is not a material loss of light to the first floor west facing obscure glazed windows of the en-suite and bathroom. When right to light lines are drawn from the 21 metre high proposed dwelling to the dwelling at H16-0185-22 there is not a material loss of light to the obscure glazed east facing glazed balcony area. Additionally the glazed south facing rear elevation of the balcony is not impacted by a loss of light. When right to light lines are drawn from the 21 metre high proposed dwelling to the two first floor en-suites windows of the dwelling under H16-1198-22 2.5 metres away, there is a loss of light that will occur during evening hours but not during the earlier part of the afternoon. As these windows are obscure glazed and do not serve habitable rooms there is not considered to be a justification for a redesign or relocation of the proposal. When right to light lines are drawn from the 20 metre high dwelling at H16-1192-22 to the proposed dwelling there are no first floor east facing windows immediately adjacent and the other east facing window serves a bedroom that is 11 metres away.

12. The site is located in Environment Agency Flood Zone 3, and is not impacted by increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels shall be set 300mm above average ground levels to prevent surface water flooding. Foul water will be treated by a sewage treatment plant to the rear of the property, with surface water addressed by soakaway crates to the front of the property.

PLANNING BALANCE

The proposed dwelling will continue an existing line of development that is either inhabited, under construction, part of an extant permission or a current application. It is considered that this dwelling will compliment the design of the recently approved dwellings to the west, as well as the more established dwellings to the east. There is not considered to be a material overlooking or overshadowing impact from the proposal. This application is considered to accord 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, 2021.

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.