

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0232-22 **Applicant:** Mr R Woodcock
Proposal: Residential Development - Erection of Dwelling
Location: Off Chaucers Way Spalding
Terminal Date: 29th April 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
28	The Natural Environment
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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for the erection of a detached two-storey dwelling on land off Chaucers Way, Spalding. The proposal seeks to provide a two storey dwelling in the garden space of 13 First Avenue, with pedestrian and vehicular access off Chaucers Way. This application is a resubmission of previously approved application H16-0662-19. The proposal seeks to provide a lounge, utility, wc, and a combined kitchen / dining area. At first floor level three bedrooms, an en-suite, dressing area and a bathroom at first floor level. No first floor side elevation windows are to be provided. Proposed brick is Weinberger Terca Kassandra with Weinberger Sandtoft Antique 2 tiles.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The site is within Flood Zone 3 of the Environment Agency Flood Maps and is not impacted by increased hazard or flood risk on the 2115 South East Lincolnshire Strategic Flood Risk Mapping. Finished floor levels would be sited at 300mm above existing ground level.

RELEVANT HISTORY

H16-0366-08

Full - Proposed replacement garage/store - Approved - 27 May 2008.

H16-0662-19

Full - Erection of detached dwelling - Approved - 15 August 2019.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections. Requests standard utility informative.

SHDC - Environmental Protection

"The applicant has submitted details of proposed ground gas protection measures to be installed, and therefore I have no further comments as long the construction is as detailed."

Welland & Deepings Internal Drainage Board

No comments.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Sub-Regional Centres. This section of the policy states:

"Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres."

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

The proposed dwelling will help to 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 property is comparable to other dwellings in the area. A few trees on the southern boundary will be removed to the southern side boundary and a new magnolia tree sited in the rear garden. The character and appearance of the area is not considered to be materially impacted by this dwelling.
2. The design is considered to be in keeping with other dwellings in the vicinity, and the orientation is that of a frontage dwelling on Chaucer Way albeit set a bit further forward than the other dwellings to the south on First Avenue.
3. Proposed brick is Weinberger Terca Kassandra with Weinberger Sandtoft Antique 2 tiles. The proposed materials are considered to be appropriate for the site.
4. The proposal will utilise an existing vehicular access. The site can accommodate two off road parking spaces. This level of provision accords with the requested minimum of two off road parking spaces for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP.
5. The capacity of existing community services and infrastructure will not be materially impacted by the 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 plot is comparable in size to others in the vicinity, especially those on Chaucers Way to the north and west.

Overshadowing - There is not considered to be a overshadowing impact to the dwellings to the east due to the separation distance of 30 metres, to the south due to the southerly trajectory of the sun and to the west, due to the dwelling at 13 First Avenue being sited west-south-west. With regard to 1 Chaucers Way to the north, the immediately adjacent building use is that of a single storey garage, with the proposed dwelling set no further west than this, with the remainder of the bungalow 9 metres away. Using right to light calculations the rear elevation windows of 1 Chaucers Way are not materially affected by a loss of light.

Overlooking - The ground floor eastern frontage windows face the driveway with the 1 metre high gate and fence remaining. There are no ground floor south facing windows. The rear ground floor windows face a 1.8 metre high fence, with the north side elevation kitchen window and utility door facing a 1.8 metre at the rear of 1 Chaucers Way. The proposed finished floor level is 300mm above ground level so there are no ground floor windows with a material overlooking impact. There are no south or north facing first floor elevation windows, with the frontage windows serve two bedrooms and en-suite approximately 30 metres away from dwellings on the other side of Chaucers Way. The windows at the first floor rear serve a dressing area and a bedroom with a rooflight approximately 1.8 metres above ground level serving a bathroom. These windows are approximately 8 metres from the side elevation conservatory at 13 First Avenue with a 1.8 metre high fence inbetween. These windows are considered to form part of a standard frontage orientation arrangement and do not constitute material overlooking.

7. The site is within Flood Zone 3 of the Environment Agency Flood Maps and is not impacted by increased hazard or flood risk on the 2115 South East Lincolnshire Strategic Flood Risk Mapping. Finished floor levels would be sited at 300mm above existing ground level. For this reason a sequential or exceptions flood test is not required. Surface water will be collected by crate soakaways to the front of the site, with foul water to be collected by a 150mm pipe connected to mains sewage.

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. A sense of place is not considered to be impacted by this proposal. The size, scale and layout of the property is comparable to other dwellings in the area. A few trees on the southern boundary will be removed to the southern side boundary and a new magnolia tree sited in the rear garden. The character and appearance of the area is not considered to be materially impacted by this dwelling.

5. There is adequate space on site for cycle and bin storage. The proposal will utilise an existing vehicular access. The site can accommodate two off road parking spaces. This level of provision accords with the requested minimum of two off road parking spaces for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP.

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 plot is comparable in size to others in the vicinity, especially those on Chaucers Way to the north and west.

Overshadowing - There is not considered to be a overshadowing impact to the dwellings to the east due to the separation distance of 30 metres, to the south due to the southerly trajectory of the sun and to the west, due to the dwelling at 13 First Avenue being sited west-south-west. With regard to 1 Chaucers Way to the north, the immediately adjacent building use is that of a single storey garage, with the proposed dwelling set no further west than this, with the remainder of the bungalow 9 metres away. Using right to light calculations the rear elevation windows of 1 Chaucers Way are not materially affected by a loss of light.

Overlooking - The ground floor eastern frontage windows face the driveway with the 1 metre high gate and fence remaining. There are no ground floor south facing windows. The rear ground floor windows face a 1.8 metre high fence, with the north side elevation kitchen window and utility door facing a 1.8 metre at the rear of 1 Chaucers Way. The proposed finished floor level is 300mm above ground level so there are no ground floor windows with a material overlooking impact. There are no south or north facing first floor elevation windows, with the frontage windows serve two bedrooms and en-suite approximately 30 metres away from dwellings on the other side of Chaucers Way. The windows at the first floor rear serve a dressing area and a bedroom with a rooflight approximately 1.8 metres above ground level serving a bathroom. These windows are approximately 8 metres from the side elevation conservatory at 13 First Avenue with a 1.8 metre high fence inbetween. These windows are considered to form part of a standard frontage orientation arrangement and do not constitute material overlooking.

12. The site is within Flood Zone 3 of the Environment Agency Flood Maps and is not impacted by increased hazard or flood risk on the 2115 South East Lincolnshire Strategic Flood Risk Mapping. Finished floor levels would be sited at 300mm above existing ground level. For this reason a sequential or exceptions flood test is not required. Surface water will be collected by crate soakaways to the front of the site, with foul water to be collected by a 150mm pipe connected to mains sewage.

PLANNING BALANCE

It is considered that the proposed dwelling by virtue of it's design and siting will not have a material impact on the character of the area, nor will there be a material overlooking or overshadowing impact on neighbouring properties. 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.