DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0239-22**	**Applicant:**	**A Bates**
Proposal:	Residential Development - Erection of 5 Dwellings		
Location:	Off River Bank/Cradge Bank Spalding		
Terminal Date:	17th June 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 4 - Decision making
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
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL	0	0	0	1

DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of 5 dwellings to the site Off River Bank and Cradge Bank, Spalding.

Site Description

The application site lies between River Bank and Cradge Bank within the defined settlement of Spalding. The land is presently a commercial yard. On the whole there is a mixture of development in the vicinity of the site and with no distinct pattern. There are existing residential uses to the east and west side.

History

H16-0537-07- Outline- Approved 11-01-08- Residential development

H16-1682-06- Outline- Refused 31-01-07- Residential development

H16-1630-05- Outline- Approved 13-07-06- Re-development of existing site for residential use

Consultation Responses

Welland & Deepings IDB

No comments.

Sue Armour, Environmental Protection Officer

Request a standard land contamination conditions be applied at this location

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Principle

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 located within the defined settlement boundary for Spalding, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Sub-Regional Centres, such as Spalding, development will be permitted that supports their roles as Sub-Regional Centres. In the context of this, the principle of residential in this location is considered acceptable.

Layout, scale and design

The proposal is for 5 2 storey dwellings, with Plot 1, 2 and 3 as terraced dwellings and Plot 4 and 5 as semi-detached dwellings.

Plots 1, 2 and 3 will be set back from the road, with a large front garden and driveway for 2 car spaces. The dwellings include a small hallway, with a lounge and kitchen/diner. The dwellings all have spacious rear gardens with access from the front to the rear gardens. The dwellings consist of 2 bedrooms and a family bathroom on the first floor. The external materials for plots 1, 2 and 3 include Ibstock Red facing brickwork and Marley Grey Roof tiles, with grey UPVC windows and black rainwater goods. This is in keeping with the surrounding red brick properties in the vicinity.

Plots 4 and 5 will be three storey properties and they will have a front driveway, as well as side access to the rear gardens. The ground floor will consist of a small hallway with a lounger and kitchen/diner. The first floor will have two bedrooms and a family bathroom. To the second floor, there will be a third bedroom and an ensuite. Both dwellings will also have fairly spacious gardens. The external materials for plots 4 and 5 include Flemish Antique facing brickwork and Sandtoft New Cassius roof tiles, with grey UPVC windows and black rainwater goods, which will compliment the development to the east of the site.

There are other terraced and semi-detached dwellings situated both along Cradge Bank and River Bank on similar sized plots, such as no. 20 and 22 Cradge Bank. The proposed building line and density of the dwelling is not considered to be out of character in terms of the proposed layout and the visual amenity along the street scene.

Taking the above into account, it is concluded that the layout, scale and design of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area; the relationship to existing development; and impact on historical buildings and heritage assets. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings; the landscape character of the location.

Highway matters and parking

Access would be taken from both River Bank and Cradge Bank. Both roads are adopted highway and serve the existing residential dwellings down both roads. The Highway Authority have been consulted as part of the application process, raising no objection on highway grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements and vehicle levels will be acceptable.

Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 2 parking spaces are provided within the curtilage for dwellings with up to 3 bedrooms. There are 2 parking spaces are indicated on the block plan for each of the new dwellings within the curtilage. Therefore, the parking arrangements are deemed to be acceptable in terms of Policy 36 and Appendix 6 in the SELLP, 2019.

Flood risk and drainage

The National Planning Policy Framework (2021) 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 South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) 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.

In terms of flood risk, the application site is situated in Environment Agency Flood Zone 3. However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) shows that the site falls

within no hazard and depth zones.

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 towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. Providing that finished floor levels are set no lower than 300mm above existing ground level, the development should be safe for its lifetime.

In terms of surface water drainage, the proposal is for this to be discharged via soakaway. There are no known ground permeability issues in this area that would preclude the effective use of soakaways on site. For foul water, connection would be made to the existing Anglian Water network. Anglian Water are obliged to accept foul water flows from new developments if proposed.

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.

Residential amenity

It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact.

The side facing elevations of Plots 1 and 3 have no windows. The rear elevation windows have a separation distance of approx. 22m from Plots 4 and 5. It is not considered that the proposed rear elevation windows on plots 4 and 5 would impact upon the overlooking of properties to the north and south, due to the obscure angle positioning of the dwellings and that of the neighbouring dwellings.

It is not considered that there would be any material overbearing or overshadowing impacts from the proposed dwellings upon the neighbouring properties to the north and south, as there is a reasonable separation distance, with the closest dwelling being approx. 2.1m away from the south side elevation of the dwelling at no.22 Cradge Bank, which appears to have no side elevation windows on the first floor and a side access door on the ground floor. No. 9 River Bank, has an obscured glazed window on the first floor and a small window from the utility room to the north side elevation of the property. These windows do not serve a primary habitable space which would be adversely impacted by overbearing or overshadowing in planning terms.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Planning Balance

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 application site lies within the settlement boundary for Spalding and the principle of residential development in this location is acceptable. It is not considered that the proposal would materially harm the character or appearance of the area or the amenity of residents. There is no objection

from the Highway Authority and parking arrangements are acceptable. Flood risk and drainage matters are considered to have been appropriately addressed.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

Conclusion

In light of the conditions above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 14 of the National Planning Policy Framework (2021).

The recommendation is therefore for a 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.