DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0330-20**	**Applicant:**	**Mr J Willson**
Proposal:	Residential development - chalet bungalow		
Location:	Tidswell Bungalow Burr Lane Spalding		
Terminal Date:	15th June 2020		

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

National Guidance

National Planning Policy Framework 2019

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks outline permission for residential development - chalet bungalow at Tidswell Bungalow, Burr Lane, Spalding.

Site Description

The proposed site is currently the domestic garden and driveway of the dwelling Tidswell Bungalow.

There is a defined frontage development on each side of Burr Lane. The character is predominantly residential in a countryside setting. There is a certain range of designs, appearances and ages along the street scene although the prevailing building is gable pitched bungalow.

The intended dwelling will be flanked by a large bungalow to the west and a recently-built two-storey detached house. The garden of Tidswell Bungalow is laid in lawn and enclosed with timber picket fence. There is a pre-fab unit in the garden. The driveway runs to the east and extends to the rear of the garden and backs onto the yard of the neighbouring property 19B Fen End Lane. A sheltered structure stands in the driveway.

History

None.

Consultation Responses

SHDC Environmental Protection

No objection.

LCC Highways/SUDS Authority

No objection.

Two informative notes are requested should permission be granted.

South Holland IDB

No objection.

It is reminded to comply with Board's byelaws and other relevant legislation.

Planning Considerations

Principle of development

The site is out of the settlement boundary for Spalding as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of SELLP sets out the spatial strategy for new development across the district. The rest of the Local Plan area outside the settlement boundaries is designated as Countryside. This Policy establishes that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople). Moreover, the scheme is not a replacement dwelling, aimed to reuse an existing building neither is situated outside but

adjoining the defined boundaries of an urban settlement, among other conditions. The proposal neither comply with the criteria of Policies 19, 22 and 23 of SELLP and Paragraph 79 of National Planning Policy Framework (NPPF), 2019 from which decision-making about proposals for rural housing should be underpinned.

Given the above, the overriding consideration is whether the proposed development can be considered necessary to that location and/or whether the site can be considered to represent a sustainable form of development following Policy 1 (countryside section). The consideration will be made on the basis of the three dimensions of the sustainable development which are interdependent and need to be pursued in mutually supportive ways:

Economic - The proposal would entail employment opportunities albeit in small scale to building constructors and material suppliers during the construction of the house. The provision of one dwelling would have very small impact on the local shops and other services in the village.

Social - The council is capable of demonstrating a 5-year housing land supply (6.07 years as at 31st March 2019). The proposal therefore has no merit to the social need for further housing given that sufficiency has been achieved in this respect. Notwithstanding this, Spalding is one of Sub-regional Centres with full services and facilities. There is a footpath on Barrier Bank to the west. The future house occupiers will have access to local services and facilities in a safe manner within a reasonable walking distance. The reliance on the private motor vehicle will be far less likely than a dwelling in a remote location on the countryside.

Environmental - Whilst the site is outside Spalding it is nevertheless infill between plots that had planning permission for residential. The wider street scene is characterised by a defined frontage development on each side of Burr Lane from the junction with Barrier Bank and Fend End Lane. It is considered that the proposal would not materially harm the character and appearance of the vicinity.

It is deemed on balance that the proposed dwelling will meet the wider sustainability objectives and therefore achieve sustainable development.

Flood risk

The site is within Flood Zone 3 according to the Environment Agency's Flood Map. Given the high vulnerability of the proposed development, both Sequential Test and Exception Test have been applied and satisfactorily passed as shown in the site-specific Flood Risk Assessment that accompanies this application. The flood hazard on the site is none and insignificant flood depths are predicted as per South East Lincolnshire Strategic Flood Risk Assessment (March 2017).

In light of the low residual flood risk, minimal mitigation measures are accordingly proposed to be incorporated to the development. The finished floor levels of the proposed new building will be at least 300mm above the existing ground level on the site and 300mm above the road level in Burr Lane.

In summary, it is considered that the proposed residential development will be made safe for its lifetime without increasing flood risk elsewhere. Further details though will be required at a later stage, especially in terms of surface water and foul water management.

Design and layout

This material consideration will be exhaustively taken into account when approval be sought for full planning permission or reserved matters at a later stage. In any case, it worth noting that the outline application has been submitted stating the proposed dwelling will be a bungalow and, in principle, this form of development will match with the wider street scene.

Having regard to the proposed site layout, the footprint of the dwelling indicates that the development will follow the building line across the frontage. The intended property will have sufficient exterior amenity space for the future occupiers of the dwelling albeit at the expense of the rear garden of Tidswell Bungalow. Despite such loss, the existing bungalow will have still fairly spacious garden to the front and overall the proposal will not unacceptably harm the adjacent property to the west.

Therefore, the proposal in its outline form complies with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 on the grounds of design, layout and character of the local

area.

Residential amenity

This is another key consideration to be fully assessed in a subsequent application. In principle, it is considered that a dwelling could be accommodated upon the site without materially harming the amenity of nearby residents.

Albeit being first-floor, the rear garden will be not overlooked from the dormer windows of Rowan House which is the recently-built two-storey dwelling to the east. There are no openings on the opposing elevation of Tidswell Bungalow.

Given the flat topography of the land on the site and in its immediacy, raising the finished floor levels of the dwelling as proposed will not create any overbearing impact upon the adjacent plots. No material overshadowing aspect will arise from a reserved matters design. However, further details on the topography features of the site should be provided prior to the commencement of works in order to ensure the dwelling will not be in conflict especially with Tidswell Bungalow.

Whilst it is appreciated that there may be some disturbance during the construction phase it would only be temporary. Three two-storey detached houses to the east have been already developed and major construction works have been already undertaken. Therefore, no cumulative impact will be expected in terms of noise and disturbance.

In summary, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Highway safety

There is currently a driveway with vehicular access form Burr Lane. It appears that the existing site access will remain after carrying out the intended development. The County Highways Authority has not raised any objection but required further involvement in the construction works of amendments or creation of vehicular access.

No details have been submitted with regards to car parking provision. Yet, two spaces could be accommodated to the front of the site.

In general, the proposal will not cause any significant harm upon highways safety and car parking provision and be in accordance with Policy 2 and 3 of SELLP (2019).

Conclusion

The principle of development for the residential scheme at the proposed location will be acceptable. The development in general will achieve sustainable development upon its three interdependent dimensions. The impact upon the character of the area will not be harmful. It is expected that the grant of outline permission will not undermine the residential amenity neither highways safety standards providing that further details are approved at a later stage. The development is considered to be acceptable on the grounds of flood risk.

Taking into account the mentioned above, the proposed development complies with Policies 1, 2, 3, 4, 10, 11 of South East Lincolnshire Local Plan (2019) and Sections 5, 12 and 14 of the National Planning Policy Framework (2019).

It is accordingly recommended to approve this application via delegated powers.

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.