DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0500-20**	**Applicant:**	**Mr P Coupland**
Proposal:	Erection of Dwelling		
Location:	Land Adj. Tidswell Bungalow Burr Lane Spalding		
Terminal Date:	11th September 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a chalet bungalow on land adjacent Tidswell Bungalow, Burr Lane, Spalding. The proposal seeks to provide a bedroom, wetroom, garage and an open plan kitchen / dining / living area at ground floor level. Two bedrooms and a bathroom are to be sited at first floor level. There are no side elevation windows at first floor level. Finished floor levels would be set at 300mm above existing ground level.

Site Description

The proposal is outside of defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The site is within Flood Zone 3 on the Environment Agency flood maps, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

History

H16-0148-08

Full - Proposed replacement commercial premises - Approved - 07 April 2008.

H16-1012-08

Full - Replacement building (part retrospective) - Approved - 12 November 2008

H16-0330-20

Outline - Residential development - chalet bungalow - Approval - 11 June 2020.

Consultation Responses

LCC - County Highways & SUDS Officer

Requests a surface water drainage strategy on behalf of the IDB. The Highways Officer has no objections and has requested standard access and utility informatives.

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.

The proposal is also assessed against Policy 2 and is titled Design of New Development. This Policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impactupon neighbouring landuses by reason of noise,odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size and layout maximises the use of the site without causing material development to the character or amenity of the surrounding area.
2. The design is functional and the orientation is appropriately orientated.
3. The proposed is constructed from standard building materials and is not designed to maximise sustainability.
4. The proposal is not considered to materially increase vehicle levels in this location.
5. The addition of one dwelling is this location should not materially impact the local services of the largest settlement in the district.
6. The proposed is for residential use in a residential area so there is not considered to be a material impact from noise, odour, disturbance or visual intrusion.
7. The proposal site is within Environment Agency Flood Zone 3 and is not subject to increased flood risk or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels will be raised by 300mm above ground level. This is not considered to materially affect the character of the surrounding area. Drainage would be via soakaway and the efficacy of the system would be assessed by condition.
8. The proposal does not impact natural habitats, historical buildings or heritage assets.
9. The proposal would not impact sand and gravel mineral resources.

The proposal is considered to accord with the policy, save for criterion 3. On balance the proposal is considered to accord with Policy 2.

Previous new dwellings in the vicinity of the site

The outline approval for a dwelling to the east side of Tidswell Bungalow H16-0330-20 was approved under current local and national policy. Whereas, the outline approval for dwellings further

east adjacent Burr Lodge under H16-0349-16 was allowed in the context of previous local and national policy, and the lack of a five year housing land supply.

Parking provision

Appendix 6 of the SELLP states that new dwellings with up to 3 bedrooms must have a minimum of 2 parking spaces. The submitted proposal accords with this requirement.

Flood Risk

The proposal site is within Environment Agency Flood Zone 3 and is not subject to increased flood risk or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels will be raised by 300mm above ground level. This is not considered to materially affect the character of the surrounding area. Drainage would be via soakaway and the efficacy of the system would be assessed by condition.

Impact of development

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area. Due to the proximity of neighbouring boundaries, permitted development rights will be removed to protect neighbouring residential amenity.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.