DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0528-22**	**Applicant:**	**Mr Juskevicius**
Proposal:	Residential Development - Erection of 4 dwellings - approved under H16-0080-18. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	11 Spalding Common Spalding		
Terminal Date:	20th July 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
12	Reserve Sites
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
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

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	4	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Section 73A modification - Erection of four dwellings at 11 Spalding Common, Spalding - approved under planning permission H16-0080-18. Modification to condition 2 to allow amendments to previously approved plans.

The proposal includes amending Plots 3 and 4 which were originally approved as single storey dwellings and are now proposed to be two storey properties.

Site Description

The application site is a substantial plot of vacant land (approximately 1,435.00 sq. metres/0.14ha. 11a Spalding Common is plot of land (south of 11 Spalding Common) and accessible via Spalding Common.

The neighbouring properties are a mixture of detached and semi-detached dwellings, bricked elevations, numerous frontages, roof types and house types.

History

H16-0080-18 - Residential development - erection of four dwellings - Approved June 2018.

H16-1105-17 - Residential development - erection of 6 dwellings - NFA Decision, January 2018.

H16-0256-17 - Residential development comprising 5 two-bedroom dwellings - Approved July 2017.

H16-1198-16 - Residential development - Refused January 2017.

H16-0605-15 - Details of external materials and contamination report - Approved May 2016.

H16-0141-15 - Proposed replacement dwelling and detached garage - Approved June 2015.

Consultation Responses

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
Raised no objections.

7 letters of objection have been received by members of the public raised concerns over the following:

-Scale, design and overdevelopment of the site;
-Impact on neighbouring properties amenities;
-Highway safety and;
-Impact properties values.

Planning Considerations

Principle

The principle of development has previously been considered acceptable under application H16-0080-18. The only matter for consideration is whether the proposed alterations would be acceptable in respect of all other planning matters.

Assessment

Paragraph 135 of the National Planning Policy Framework (NPPF, 2021) states that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion.

The proposed changes including altering plots 3 and 4 from single storey properties, to two-storey dwellings with an increase in height of 0.85m

During the course of application H16-0080-18, amended plans were received to reduce the scale of development following concerns raised by the case officer. As such, planning permission was granted for the erection of four detached, single storey dwellings.

By increasing the scale of plots 3 and 4 to two storey properties, the proposed dwellings would have a detrimental impact on the character and appearance of the development as a whole given its visibility from the public highway and would be to the detriment of the streetscene of Spalding Common and the surrounding area.

The proposed two storey properties would be approximately 6.3m from the boundary of The Nook, No. 153 Cradge Bank and approximately 9m from the boundary of Casa Nostra, No. 151 Cradge Bank, with first floor rear elevation windows serving habitable rooms, the proposal would result in detrimental overlooking impacts on the neighbouring properties amenities to the west. Furthermore, the proposed first floor front elevation window serving 'Bed 1', would directly overlook the private rear amenity space (approximately 3m south-west) and rear elevation (approximately 11m south-west) of the neighbouring property of Juan, Spalding Common.

Overall, the proposal is considered to contravene policies 2 and of 3 of the South East Lincolnshire Local Plan and paragraph 135 of the NPPF.

The site is located within Flood Zone 3 with a 'Danger for Most' risk to people as identified by the South East Lincolnshire Strategic Flood Risk Assessment (2017). As the proposed amendment would not result in any additional footprint or previously approved drainage/surface water management, this application is not considered to result in any flooding concerns. However, it is noted that the proposed ground floor plan shows the provision of a "utility" room measuring 38.07m2 which would provide the main entrance to the dwelling and bi-fold doors to the rear. Given the scale and design of the proposed room, the Local Planning Authority have concerns regarding the habitability of the room and a condition would be imposed on any planning permission granted to ensure it would remain an unhabitable room.

As a result of the proposed changes to the previously approved application, the number of bedrooms at Plots 3 and 4 and the off-street car parking arrangements would remain unaltered. As such, the proposal is not considered to result in any detrimental impacts on highway safety.

Other Matters

Concerns were raised during the course of the application over the impact of the proposed development on property values in the immediate area. However, as this is not a material planning consideration, it cannot be taken into consideration as part of this application.

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.

Overall, the proposal is considered to result in detrimental impacts to the character and appearance of the development, the streetscene of Spalding Common and the surrounding. Furthermore, the proposal would result in unacceptable impacts on the amenities of Juan, Spalding Common and Nos. 151 and 153 Cradge Bank. As such, the proposed amendments are considered to contravene policies 2 and 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance

within the National Planning Policy Framework (NPPF, 2021), specifically paragraph 135.

Conclusion

Taking the above into account, it is recommended that the application be refused under 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.