DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0581-21**	**Applicant:**	**Mr & Mrs Hendry**
Proposal:	Erection of a 1.5 storey dwelling		
Location:	Rear Of 137 London Road And Adj. 4 & 4a Town End Manor Spalding		
Terminal Date:	9th September 2021		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

11. Making effective use of land
12. Achieving well-designed places

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	1	0
RESIDENTS	2	0	0	3

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the proposed erection of a 1.5 storey dwelling at the Rear of 137 London Road and Adj. 4 and 4A Town End Manor, Spalding.

Site Description

The site is situated within the settlement of Spalding according to the South East Lincolnshire Local Plan, 2019.

The plot is approx. 77m west of the River Welland and within the gravelled private cul-de-sac of Town End Manor. The plot is L-shaped and mostly lies to the rear of 4, 4a and 5 Town End Manor. It is currently in an overgrown state.

Most of the dwellings along Town End Manor are situated on spacious plots, with large driveways. The dwellings are a variety of ages and design, with the closest dwellings being characterised as two semi detached dwellings.

History

No relevant planning history.

Consultation Responses

Welland & Deepings IDB- No comment.

Environmental Protection Officer- No comment/no objections.

Local Highway and Lead Local Flood Authority- Does not wish to restrict the grant of permission.

Public (5 objections/comments, summarised):

- Dwelling is in close proximity to boundaries; not in keeping with surrounding properties
- Overlooking
- Overshadowing
- Concern regarding delivery of materials on site
- Concern over impact of development on the stability of foundations of neighbouring properties
- Private drive will need resurfacing after the construction takes place
- Not practical for cars as no turning ability
- No plans for ecology or landscaping submitted; potential for bats
- Concerns over loss of wildlife
- Different boundary lines shown on plans
- Recommendation for a planning condition requiring the installation of a minimum of 3 swift nest bricks to provide enhancement for biodiversity

Planning Considerations

- Policy/principle
- Layout, scale and appearance
- Flood risk and drainage
- Parking provision and highway matters
- Impact upon residential amenity

Policy/Principle

The site is within the Spalding Settlement Boundary as defined 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 role as a centre of this scale. The policy provides no specific indication as to exactly what this entails, but it can be inferred that Spalding will be a focus for future growth and housing delivery. The site is therefore considered to be suitable in locational terms.

Layout, scale and appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

After being reduced in scale due to concerns about the size of the dwelling, the property now proposed will measure approx. 19.6m in width by a maximum of 11.2m in depth. The dwelling will be 1.5 storey, with the entrance to the south elevation, and a long garden situated to the west of the dwelling. There will be a driveway to the south, with access to the rear of approx. 3.5m in width between the south boundary and the front entrance. Given the separation distances to boundaries and dwellings in the vicinity being of comparable scale, the dwelling is considered to be acceptable in terms of scale, mass and bulk and is therefore acceptable for the size of the plot.

The external walls will consist of a rustic buff brick, roof tiles in a dark grey slate, dark grey windows and glazing bars and exterior doors will be painted black. The proposed materials are considered to be acceptable, as the majority of dwellings down Town End Manor consist of a variety of materials and are of varied design. A steep pitched roof will be formed over the proposed dwelling, to portray a chalet style bungalow and allow for rooms at first floor. The dwelling would be sited to the rear of a frontage dwelling and public views of the side would therefore also be limited.

Internally, a large hallway and stairway upon entrance, open plan kitchen and living area, dining room, pantry, wine bar, w/c, utility room, theatre room and gym, are all proposed to the ground floor of the dwelling. To the first floor, this will include a large landing, 4 bedrooms and associated bathrooms. The roof pitch will also provide storage. Overall the proposed design of the 1.5 storey dwelling will ensure good living conditions and be in keeping with the residential use of the property and will meet the functional needs of the householders.

Taking the above into account, the proposed erection of the 1.5 storey dwelling is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Flood risk and drainage

The NPPF 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) 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 risk.

The application site lies within Environment Agency Flood Zone 3 and the site is not identified within any hazard zone in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017).

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 (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities that would be accessible by more sustainable modes of transport, such as walking or cycling.

In terms of making the development safe, the South East Lincolnshire Standing Advice Matrix makes no comment on finished floor levels for sites outside of hazard zones and so it is considered acceptable that floor levels are not raised.

In terms of drainage, the proposal is for surface water to be disposed of via soakaway and for foul water to be disposed of via mains sewer. There are no known permeability issues in this area that would preclude the use of soakaways and Anglian Water are obligated to accept foul water flows from new development.

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.

Parking Provision and Highway Matters

Policy 36 of the South East Lincolnshire Local Plan, 2019 emphasises that all new development should comply with the local authority's parking standards and that parking should be integral within the design. Appendix 6 of the Local Plan sets out minimum parking standards and requires a minimum of 3 vehicle parking spaces for dwellings with more than 3 bedrooms.

When looking at the proposed development, it can be seen that there is a driveway to the front of the proposed dwelling that is suitable to park a minimum of 4 cars. Therefore, the parking provision complies with the standards set out in Appendix 6 of the South East Lincolnshire Local Plan, 2019.

The hard standing surface of the driveway will consist of gravel, which is in keeping with the existing shared drive of Town End Manor. There have been public comments raised in regards to the maintenance of the road, however this is not a material planning consideration and is a civil matter between landowners if harm is caused.

Comments have also been raised in regards to the turning space of the driveway not being suitable. However, there have been no comments or objections raised by the Local Highway Authority and it is therefore considered to be an acceptable size.

Impact upon Residential Amenity

In response to a public objection received, the dormer windows on the northern roof slope have been changed in favour of high level velux style windows from the proposed ensuite and bedroom 2. Given that both of the existing dwellings to the north are set at an angle from the northern elevation of the proposed dwelling, and the rear elevation of no. 18 Carnoustie Crescent is in excess of 22m away, it is not considered that there would be a material overlooking aspect in that direction. High level velux windows are also proposed to the southern, northern and eastern roof slopes and are above the height that occupants could see from. The first floor windows to the western elevation face into the garden and are therefore not an issue. Any views from the rear garden towards neighbouring windows would be not be materially different to those if there were a

normal frontage relationship.

The closest property to the proposed dwelling is no. 4A Town End Manor. The only window on the facing elevation of this property is to a guest bathroom and is therefore a non-habitable space for planning purposes. There would be no material overlooking due to the height of the roof windows on the southern roof-slope and the windows on the western elevation would face into the garden of the proposed dwelling. For this reason, and given the angle that the proposed dwelling is set at in relation to it, there should not be a material overbearing or loss of light impact. There would be a minimum of approx. 17m from any dwelling to the north and 20m to the east, which is sufficient to prevent any overbearing or loss of light impact. Trees also provide good screening to the boundaries at present.

Taking the above into account, the proposed erection of the 1.5 storey dwelling deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Other Considerations

It is noted that the red line boundary is different on the proposed elevations and floor plans drawings to the site location plan and block plan. The latter however take precedence and there is no discrepancy between these two plans, therefore it, does not impact upon the final recommendation.

A note will be added to the decision notice to remind the applicant that bats are protected species and to contact Natural England if they are discovered on site.

Comments have been raised regarding the potential impact on the stability of foundations of neighbouring properties. This is a civil and/or building control matter and not a material planning consideration.

Landscaping details will be conditioned.

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 proposed erection of a 1.5 storey dwelling will not materially harm the character or appearance of the locality or amenity of nearby residents. It is also acceptable on flood risk, highway and parking grounds. It is therefore considered to be in accordance with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019.

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.

Conclusion

The recommendation is for a delegated approval.