DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0655-22**	**Applicant:**	**Dr K Weijers**
Proposal:	Erection of 2 Bungalows		
Location:	Land Opposite 9 River Bank Spalding		
Terminal Date:	21st September 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal is for the construction of 2 x 2 bedroom dwellings on a triangular piece of land on the western bank of the River Welland, in the 'Little London' area of Spalding.

Site Description

The site is a rectangular strip of land belonging to 9 River Bank situated immediately opposite. The plot itself borders the river and acts as a riparian buffer. The widest element of the triangular site is set to tarmac and has informal parking on it. A septic tank exists in the centre of the green space south of the tarmac. The remainder of the site is set to grass, with metallic fencing bordering the river's edge, tapering to a point with a marker post at the end. The green element acts as an informal green space, albeit being private land, and a visual resource to neighbouring properties of 10 and 11 River Bank which are directly opposite and overlook the green space. The end point of the site is also opposite 12 River Bank although that property is flank on to the land. It should be noted that the plot is not designated as green space in the Local Plan however.

The highway at River Bank at this point is extremely narrow and leads further south to the Welland Yacht Club.

Number 3 River Bank is a bungalow and part of three such similar structures to the north, with 3 and 2 River Bank on small plots with 1 River Bank on a more generous plot. All three have car parking and amenity space within their curtilage.

The immediate vicinity of the site has experienced various infill developments for residential.

Relevant Planning History

H16-0782-05 - Relocation of Existing Summer House - Approved 21-07-05

H16-1049-05 - Proposed Annexe - Approved 11-10-2005
(Condition 5 restricted the use of the annexe to be used in conjunction with the existing host dwelling, and not to be used as a separate unit of living accommodation).

H16-1448-05 - Details of windows and doors (Conditions 3 and 4 of H16/1049/05) - Approved 08-11-05

H16-0638-15 - Proposed dwelling - Refused 26-05-2015 - (refusal related to two storey design, affecting privacy of 9 River Bank - 8-9 metres distant, and use of garden)

H16-0638-15 - Proposed dwelling (re-submission following refusal of H16-01310-15) - Approved 17-

08-2015

H16-0799-17 - Works to Spalding Tree Preservation Order No.23 - Approved 12-10-2017

H16-0680-18 - Details submitted relating to roof tiles, utility boxes and gas flues and soil vent pipes (conditions 3 and 6 of H16-0638-15) - Approved 3-8-2018

Representations

Lincolnshire County Council Highways and SUDs

Requests a condition relating to the formation of a new/amended vehicular access, requiring approval from Highways Authority, together with an informative associated with utilities. They consider the proposal is unlikely to affect highway safety and raises no objection.

Lead Local Flood Authority - no comment - they only provide a response to major applications.

Environment Agency

Suggest a planning condition to ensure development is carried out in accordance with the Flood Risk assessment. An informative about flood resistance and resilience is suggested.

Lincolnshire County Council Historic Environment Officer

No archaeological impact

Welland & Deepings Internal Drainage Board

No comment

South Holland Environmental Protection

No comments or objections

Public

6 letters of objection have been received which raise some or all of the following points:
-road reduces to 3.4 metres wide around a blind corner. Proposal would make restricted access worse
-road is only wide enough to allow one vehicle access at any one time. It is extremely hard to get in and out of drive now.
-Refuse lorries are having problems, and have to back the whole way out, they can only reach number 11
-two properties is too much
-land is opposite 10 and 11 aswell as 9, site plan does not show these properties, 10 and 11 are directly on the kerbside.
-significant shadowing onto 10 and 11 and loss of privacy, visual amenity significantly affected
-small road would not be able to cope with increased number of properties, already 5 new properties approved in vicinity and another 5 with access from Cradge Bank.
-noise pollution and disturbance, especially cars having to manoeuvre out of their driveways
-increased risk of flooding, especially if new houses are elevated
-planned parking area on a blind bend, no room for cars to turn or manoeuvre in the road, will cause restrictions to driveway access for number 11. Refuse lorries have problems currently. Access to emergency vehicles a problem. Fire engine would not be able to access properties in the road.
-unacceptable design with 'seaside' style chalets, very small plot of land, awful for a high profile location
-highway problems. Site survey not done, OS plans can be inaccurate, riverside wall nearby, indefinite highway boundary.
-totally out of character. Present character is of informal riverside environment with houses or bungalows of variable character. Loss of green area would be harmful to that character. Bungalows have been squeezed onto very small plots. Will look cramped, bungalows too close to the road, neither bungalow has a setting that suits the area's character.
-narrow road, not enough parking or turning points. Two parking spaces required, on street parking will result

-north facing side elevation to plot 2 looks awful. Given high profile position, north elevation will look stark and contrived when viewed from river, unpleasant north facing wall when seen from road. Landscape work will not off-set the harm as roof will be in view.
-overlooking and loss of privacy. Effect on wildlife due to proximity of chalets.
-site currently used as a car park and a van, they will park on grass verge. River bank over populated. Road leading to yacht club is narrow, loss of light, loss of view.

Planning Considerations

The main issues in this case are:

Principle of Development and Sustainability
Layout and Design
Impact of neighbouring Residents/land users
Highway safety and parking
Flooding considerations
Foul and surface water drainage
Biodiversity

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is within the defined settlement boundary of Spalding which is a Sub-regional centre. As a result the proposal does not conflict with policy 1 of the SELLP and is within a sustainable location.

The provision of one house on this location has already been established with the permission granted under H16-0638-15 (August 2015). Subsequent correspondence established that the permission has not lapsed due to development starting as a result of the installation of the septic tank. The main issue to consider therefore is whether or not a second dwelling is acceptable within the site.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation levels, by reason of visual intrusion.

The application plot is adjacent to the river Welland, with a grassed element that tapers along the bank into a point, edged with river railings and an element under tarmac at its widest point. Whilst it is recognised this is in private ownership, functionally, the grassed portion acts as a small piece of informal green infrastructure acting as a back-drop to give context and framing to the river Welland behind, itself a Local Wildlife site, allowing unrestricted views of the river from residents at numbers 9, 10 and 11 the Riverbank (with side-on views from number 12). The plot is clearly visible from the other side of the river bank. Riparian strips, such as is contained in the application, occur along the entire length of the banks of the river Welland periodically, acting as green edges/strips, although it is also correct that wider portions do have small dwellings immediately fronting the Welland in addition. Three houses along River Bank to the north, face the river and utilise these wider riparian strips (1, 2, and 3 River Bank), numbers 2 and 3 were granted planning permission in 2014 prior to the current Local Plan which was adopted in 2019.

It is accepted that the northern most bungalow could be positioned on site to a similar position to the one previously approved. This would be situated on land that has tarmac on the widest portion of the triangle. The remainder of the plot could act as amenity space and an area for parking in line with current parking and cycle standards.

The overall size and shape of the plot worsens the relationship, however, when considering two houses on site, as the tapering of the land restricts any meaningful amenity space associated with the second bungalow.

Visually, this triangular strip in overall size terms is limited in size to be able to comfortably fit 2 bungalows within it, with dimensions of around 9m x 7m for each dwelling. The amount of remaining

amenity space after the footprint of the dwellings are added, with other space taken out for car parking (which is insufficient to comply with adopted car parking standards as proposed) is extremely limited. The bungalows themselves have an internal gross floor area of 53 square metres, which is below the National minimum space standards, and will affect future occupiers. Coupled with a small extent of external amenity space, the shape of the plot, the size and scale of the bungalows and their position in layout terms adjacent to the river and position in the street scene, would create an overall poor design, in a cramped form of development, out of character and keeping with this section of the River Bank and street scene. The second dwelling in particular would be visible over a wide area and is positioned very close to numbers 10 and 11 River Bank. The overall effect is a deterioration of the sense of place due to the cramped nature of the proposals which represents overdevelopment.

The size, scale and layout of the two dwellings would create visual intrusion and an adverse impact on the character and appearance in the street scene, contrary to policy 2 of the South East Lincolnshire Local Plan and section 12 of the National Planning Policy Framework, which together seek to create buildings that promote a high standard of amenity for existing and future users, establish a strong sense of place which is sympathetic to local character and landscape setting with appropriate and effective landscaping. Paragraph 134 of the NPPF states that 'development that is not well designed should be refused.'

Impact on Neighbouring Residents/Land Users

Policy 3 of the SELLP requires all development to create distinctive places and states and 'design which is inappropriate to the local area, or fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.'

Whilst it is accepted that small dwellings punctuate riparian strips in places along the River Welland, these are on plots which are larger, wider and do not generally taper, usually providing enough amenity space and parking to enable the residential use to function (with houses which are compliant with National Minimum Space standards), without affecting the living conditions of their inhabitants due to their restricted size. The current application site is not the same as dwellings with more generous plots. Crucially, the green elements of riparian strips which are narrow, or taper, tend not to be built upon and add significantly to the character of the area, contributing towards the spaces between buildings, acting as a visual break and a setting to the river which may also have biodiversity and general well-being benefits. The green element of the application site performs that function and adding an additional bungalow to that already approved would reduce the distinctiveness of this part of River Bank, eroding the character and providing an urbanising feature, degrading the overall quality in design terms and character of the area.

Policy 3 goes on to stress visual closure. The overall height and massing of the proposed second bungalow, at an overall height of 5.2m would result in visual closure to the views to the river. Despite the fact that the highest part of the roof would face the river, due to the proximity of numbers 10 and 11 River Bank (number 10's front elevation is 13m from the river bank edge; number 11's front elevation is 11 metres from the river bank edge), the proximity of the second bungalow will adversely these properties, the street scene and character of this part of River Bank. The green visual 'buffering' of the informal green infrastructure would be lost by built development. The second bungalow would be overbearing in nature, leading to loss of privacy and outlook from these properties. The narrow width of the road (3.1-3.4m) adds to the sense of visual enclosure that a second bungalow would bring. The layby parking arrangement would further erode the green space and cumulatively the overall effect in design terms would represent a deterioration in the street scene and an intrusive feature to these properties, affecting their amenity. This conflicts with policy 3 of the SELLP.

Flooding considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

The Environment Agency Flood Map identifies the site as being in Flood Zone 3, within an area with a high probability of flooding.

An exception test and Sequential Test is required. The development is within the 'more vulnerable' category as residential. Since large parts of South Holland are within Flood Zone 3 there a limited opportunities to place the development elsewhere. A submitted Flood Risk Assessment was

submitted with the application that details measures to mitigate and manage flood risk.

The Environment Agency Long Term Flood Risk maps shows the site has a very low risk of flooding (annual probability less than 0.1%), a very low risk of surface water flooding (annual probability less than 0.1.%) and is not within an area at risk of reservoir flooding.

The South East Lincolnshire Level 1 and Level 2 Strategic Flood Risk Assessment 2017 Maps indicate that the site is outside of the 'Low Hazard' area for the present day ant 2116 for the Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event. The site is also outside of the area of risk of flooding for the Residual Peak Depth Map for the 1% fluvial and 0.5% tidal event.

It is not considered that the proposal fails the Sequential or Exception Test. Taking into account the above it is not considered that the proposal conflicts with Policy 4.

Foul and surface water drainage

It is proposed to connect the foul drains to a bio-disc treatment plant with outfall to the river. The Internal Drainage Board raise no objection to the proposal. It is considered that these details are satisfactory.

Impact on Biodiversity

The proposal is a designated Biodiversity Site, and part of a riverine and grassland habitat as shown on 'The Designated Biodiversity Sites' and 'The Recorded Habitats' background papers to the Local Plan. It is also part of a potential area for habitat creation or enhancement as shown in the 'Grassland sites including drainage channel bank potential networks SHDC' background paper. The site is designated as a Local Wildlife Site on the Policies Map of the South East Lincolnshire Local Plan, 2019.

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. It says local plans should distinguish between the hierarchy of international, national and locally designated sites and take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Paragraph 179 seeks to protect biodiversity, safeguarding components of local wildlife-rich habitats and wider ecological networks, including locally designated sites for importance for biodiversity, wildlife corridors and stepping stones that connect them. Paragraph 80 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, including water space, and conserving or enhancing habitat to adapt to climate change.

The proposal is situated on a site that has been designated in the Local Plan as a Local Wildlife Site, and is designated as a Biodiversity Site as part of riverine and grassland habitat. This is part of an ecological network. The provision of housing on such a site will directly destroy this habitat, deteriorating, rather than enhancing this habitat. This is contrary to policy 28 of the SELLP given that it takes away a riparian strip adjacent to the River Welland that is linked to the river itself which is a Local Wildlife Site. Utilising the land for residential purposes for the intensity proposed would lead to a loss of biodiversity net gain, fragmenting the network of riparian strips along the River Welland. Given that the Council has a 5 year housing land supply, there is no required need to locate housing on this site and therefore the value of providing housing in this location is outweighed by the harm to biodiversity.

Highway Safety and Parking

Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6). For dwellings up to 3 bedrooms, 2 car spaces should be provided with 1 space within

each residential plot for cycle parking. There is no evidence on the plans that cycle parking is proposed, but this could potentially be accommodated. Overall, there are three car parking spaces for two bungalows, which means that the minimum standards are not met. One of the spaces is a 'parking bay' added onto the flank of the amenity space of the second bungalow. Whilst it is acknowledged that the site is within the settlement boundary of Spalding, objections have been received from the locality highlighting the narrowness of the road, how service vehicles experience difficulties in using River Bank, with general parking and access problems. Given that each bungalow has two bedrooms, they could potentially accommodate 4 people each (the bedrooms are 3.1 x 3.5m and are therefore capable of a double bed).

Whilst the Local Highway Authority has not raised an objection on highway safety grounds, it is considered that, taking into account the design, layout and scale issues associated with the proposal, together with the narrowness of the road and local highway difficulties raised by objectors, the lack of sufficient car and cycle parking adds to the concept that there would be overdevelopment of the site. Therefore,the proposal is considered contrary to policy 36 and Appendix 6 due to the lack of sufficient car and cycle parking.

Planning Balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, it is accepted that future occupants may work locally, support local services and therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwellings. Given that one dwelling in this location has already approved, the economic benefits resulting from the proposal are minor, but weigh slightly in favour of the proposal.

In community terms, the proposal would make a small contribution, albeit small, towards housing supply in the district. However, the dwellings are below the minimum space standards and therefore the proposal is neutral in this respect.

In environmental terms, the proposal would affect neighbouring properties, the character and appearance of the area, would affect river views and would be a cramped form of development. It is also considered that the proposal adversely affects the Local Wildlife Site. This weighs significantly against the proposal.

Overall, the harm that would result from the proposal in environmental terms outweighs the economic and community benefits of providing housing in the planning balance.

Conclusion

The proposal is contrary to policies 3 and 4 of the South East Leicestershire Local Plan (2019) and paragraph 134 of the National Planning Policy Framework in relation to design.

The proposal is also contrary to policy 28 of the Local Plan as part of the site is designated and is adjacent to a Local Wildlife site associated with the River Welland.

As a result it is concluded that planning permission should be refused.

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.
6)
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.