

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0699-20 **Applicant:** Mr N Hutton

Proposal: Residential Development - erection of 2 dwellings - approved under H16-1089-19. Modification of Condition 2 to allow amendments to previously approved plans and details of external materials, foul & surface water disposal, landscaping, contamination and archaeology (Conditions 3, 4, 5, 7 and 8)

Location: Site Adjacent: The Beeches Horseshoe Road Spalding

Terminal Date: 21st October 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 and 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	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application for Residential Development - erection of 2 dwellings - approved under H16-1089-19 on a site adjacent The Beeches, Horseshoe Road, Spalding. This application seeks a modification of Condition 2 to allow amendments to previously approved plans and details of external materials, foul & surface water disposal, landscaping, contamination and archaeology (Conditions 3, 4, 5, 7 and 8).

Plot 2 remains completely unaltered from the originally approved plans of H16-1089-19. Plot 1 seeks to provide a double garage, living room, office, treatment room, wc, utility, and a combined kitchen, dining and living area at ground floor level. At first floor level four bedrooms, four en-suites, a storage area, playroom and dressing area are to be provided. At second floor level two bedrooms, a shower room and a storage area are to be provided. Glazing panels will be provided on the staircase area at the front elevation of the building.

SITE DESCRIPTION

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

HISTORY

H16-1216-95

Full - Bungalow and garage - Refused - Appeal dismissed - 02 December 1996

H16-0244-96

Full - Erect bungalow and garage - Approved - 06 December 1996

H16-0382-04

Section 73 - Retention of dwelling without complying with agricultural habitation clause (Condition 4 of H16/0244/96) - Approved - 14 May 2004.

H16-0064-16

Outline - Proposed residential development - Approved - 29 February 2016.

H16-1314-16

Modified Agreement - Discharge of 106 Agreement relating to H16-0244-96 - Approved - 20 February 2017.

H16-1089-19

Full - Residential development - erection of 2 dwellings - Approved - 30 December 2019.

CONSULTATION RESPONSES

LCC - Historic Environment Officer

"I can confirm that the written scheme of archaeological investigation (WSI) submitted here meets all of our requirements in respect of Condition 8 of permission H16-1089-19. We can therefore recommend that this condition is discharged. We look forward to the archaeological work outlined in the WSI being carried out on site, and receiving a copy of the final report in due course."

SHDC - Environmental Protection Officer

"I have reviewed the EPS Limited 'Phase I & II Environmental Assessment Former Nursery Horseshoe Road Spalding Lincolnshire PE11 3JA ref UK18.4148 dated 25th September 2018 Issue 1' and am in general agreement with the findings. I therefore recommend discharge of condition 7 of H16-1089-19 in full. If differing ground conditions are encountered once works starts on site, particularly if significant made ground is encountered, this department should be consulted as soon as possible."

South Holland Internal Drainage Board

"Thank you for your consultation on planning application H16-0699-20. Having screened the application, the site in question lies outside the Internal Drainage District of the South Holland Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make."

Member of the public - 1 - objections

This should not be a non-material amendment application.
Potential for business use.
Plot 1 redesign is out of keeping with the character of the surrounding area.
External materials condition not fully addressed.
Drainage condition not fully addressed.
Landscaping is unimaginative.

PLANNING CONSIDERATIONS

Principle of development

Whilst currently divorced from the existing built settlement of Spalding, the site is included within the defined settlement limits as the land in between forms part of the proposed housing area Mon 005 under the South East Lincolnshire Local Plan. The principle of development in this location is therefore acceptable.

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps and is not shown to be subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. Paragraph 158 of the National Planning Policy Framework advises that: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The site, as situated, is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South Holland Strategic Flood Risk Assessment (2017) is therefore used as a basis to apply the sequential test. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should be applied. The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district.

Amendment to design of plot 1

The height of the originally approved dwelling on plot 1 was 8.45 metres. The amended design is 10 metres in maximum apex height. This is not considered to materially impact residential amenity nor the character of the surrounding area. There is not a defined development character in the vicinity and the properties are of a traditional and modern design. The proposed construction materials are commonly used in the surrounding area. The property sits comfortably within the plot.

Potential for overlooking

The window of bedroom 1 in Plot 2 faces the obscure glazed window of the en-suite at Plot 1 and cannot view the clear window of the Playroom of Plot 1. The Playroom in turn faces the blank elevation wall of Bedrooms 2 and 4 of Plot 2. The windows on the first floor eastern elevation of Plot 2 face arable fields. The two bedroom windows on the western first floor elevation of Plot 1 are 11.5 metres from the boundary, with a further 12 metres to the eastern elevation wall of The Beeches. Given the separation distance and the boundary treatment of a 2 metre high timber fence, this fenestration is not considered to afford a material overlooking aspect.

The Juliet balconies serving bedroom 1 of Plot 1 and bedroom 1 of Plot 2 face the rear of each plot, do not constitute a material overlooking aspect to the the neighbour plots and are considered to represent a standard frontage / rear fenestration arrangement.

Use of fences

Whilst fencing is not commonplace in this particular section of Horseshoe Road, it is likely that this will change, with an allocated housing area immediately to the east of the site.

Business use

Whilst the proposal shows a treatment room in the amended design of Plot 1, there is no information submitted requesting a business use on site. Typically the use of a single room in a dwelling for business purposes does not constitute a material change of use, as the dwelling would retain it's residential character. Plot 1 affords parking provision for approximately six cars, so if a business use was to materialise, then it is not likely to impact residential amenity or highway safety.

Parking provision

Both plots are for four rooms or more. Therefore a minimum of three off street parking places are required under the provisions of Policy 36 and Appendix 6 of the SELLP. Both plots can provide the required parking provision.

Condition 3 of H16-1089-19 - External materials

The proposal materials for Plot 1 are Vandersanden Flemish Antique Facing Brick, Huguenot grey clay roof coverings, white smooth "K-Rend" render and anthracite windows and doors.

The proposed materials for Plot 2 are Vandersanden Flemish Antique Facing Brick and Huguenot grey clay roof coverings.

The driveways of both properties are to be gravelled.

The external materials are considered to be appropriate for the proposed designs and do not adversely impact the character of the surrounding area.

Condition 3 can now be discharged.

Condition 4 of H16-1089-19 - Foul and surface water disposal

This condition was imposed as the means of foul water disposal was indicated as 'unknown' on the original approval.

Foul water is to discharge into package treatment plants, with surface water discharged to soakaways. There are no known permeability issues in the area that would preclude the use of soakaways.

South Holland Internal Drainage Board were consulted in error on this application.

On the previous application Welland and Deeping IDB commented "I note from the application form that surface water is to discharge to soakaways but the foul water provisions are unknown. If at any point in the future the foul water disposal method involves a surface water discharge to any watercourse then an application would need to be made to the Board in advance and be subject to the riparian landowner's permission as necessary, payment of the application fee and agreement of technical details with the Board.

The plans appear to indicate that the private dyke at the front of the site will need to be culverted to create two access driveways. These also require applications to be made to the Board in advance and are subject to the riparian landowner's permission as necessary and the agreement of technical details with the Board."

The proposed drainage methods are considered to be appropriate for the site.

Condition 4 can now be discharged.

Condition 5 of H16-1089-19 - Landscaping

Hedging is to be provided to the front of both plots with an Acer tree to the front of Plot 1 and a Cherry tree to the front of Plot 2. The existing hedge of the eastern boundary of Plot 2 is to be retained. The proposed landscaping whilst minimal is considered acceptable for the site and affords the future occupiers the opportunity to adapt the site as they wish.

Condition 5 can now be discharged.

Condition 7 of H16-1089-19 - Contamination

The Environmental Protection Officer has reviewed the Environmental Assessment and recommends discharge of Condition 7 in full.

The Local Planning Authority has no further observations on the submitted details.

Condition 7 can now be discharged.

Condition 8 of H16-1089-19 - Archaeology

The Lincolnshire County Council Historic Environment Officer has reviewed the June 2020 Archaeology Report and recommends discharge of Condition 8 in full.

The Local Planning Authority has no further observations on the submitted details.

Condition 8 can now be discharged.

Topography

The topography of the site is flat and does not generate overlooking or drainage issues.

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 6 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.