DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0748-21**	**Applicant:**	**Mr A Quantrill**
Proposal:	Erection of two-storey detached dwelling		
Location:	Adj. 117 Albion Street Spalding		
Terminal Date:	4th November 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 5, 12 and 14 of the National Planning Policy Framework (2021)

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	1	0
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application adjacent 117 Albion Street, Spalding for the erection a two-storey detached dwelling. The proposal seeks to provide an entrance hall, lounge, wc, an open plan kitchen / diner and a conservatory at ground floor. The first floor will contain three bedrooms, an en-suite and a bathroom. There are two first floor side elevation windows. The south facing window will serve a bathroom and be obscure glazed. The north facing window serves a landing and would be conditioned to be obscure glazed. Facing brickwork is to be Hampton Rural Blend, with the roof covering to be Dark Grey Sandtoft Single Pantile.

SITE DESCRIPTION

The site is within the defined settlement limits of Spalding with dwellings to the north, west and south. The River Welland is sited to the east. The dwelling would be in Environment Agency Flood Zone 3, and solely the further rear extent of the garden being "Low Hazard" and having a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. The front of the site is 5.13 metres ODN, with the rear of the site being 4.26 metres ODN.

HISTORY

H16-0582-83

Outline - Erection of house and garage with access - Approved - 27 September 1983.

H16-0023-16

Outline - Two storey detached dwelling - Approved - 07 March 2016.

H16-0111-17

Reserved Matters - Erection of two-storey detached dwelling - outline approval H16-0023-16 - Approved - 26 April 2017.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections. Requests standard access and utility informatives.

SHDC - Environmental Protection Officer

"No comments or objections."

Anglian Water

"The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any
encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on

Digdat."

Welland & Deepings Internal Drainage Board

"No comment."

Members of the public - 1 no. objection, summarised

- Overlooking concerns.
- Overshadowing concerns.
- Impact on view of river bank and trees.

Another public comment requests the installation of 4 swift nest bricks to enhance biodiversity.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Sub-Regional Centres. This section of the policy states:

"Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres."

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

The dwelling would be sited within defined settlement limits and would help support the role of Spalding of a Sub-Regional Centre.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. 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. impact upon neighbouring land uses 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;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The proposed size, scale and layout is considered to be appropriate for the site, and comparable with other dwellings and plot sizes in the vicinity. There is not considered to be a material impact on the character and appearance of the surrounding area.

2. The design and orientation is in keeping with other dwellings to the the north-east of the site.

3. Materials are to match that of dwellings in the vicinity. This is considered to benefit the proposal.

4. There is enough room for two cars to the front of the host dwelling, as well as three cars to the front of the new dwelling. This accords with Appendix 6 of the SELLP. There is not considered to be a material impact on vehicle generation levels as Albion Street already carries a large number of vehicle movements throughout the day and the Highway Authority have not objected.

5. There is not considered to be a material impact on community services and infrastructure.

6. There is not considered to be a material noise, odour or disturbance impact from the proposal. Whilst impact on views is a consideration, it is one which carried limited weight in the overall planning balance.

7. The dwelling would be in Environment Agency Flood Zone 3, and solely the further rear extent of the garden being "Low Hazard" and having a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. The proposed finished floor level of the dwelling is 5.31 metres ODN, which is 110mm above the level of Albion Street to the front of the dwelling.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. The proposed size, scale and layout is considered to be appropriate for the site, and comparable with other dwellings and plot sizes in the vicinity. There is not considered to be a material impact on the character and appearance of the surrounding area. A sense of place is not considered to be impacted by the proposal.

4. The proposal site is within walking distance of Spalding town centre and is well served by public transport.

5. The site can comfortably accommodate refuse and cycle storage and provides 3 off road parking places which accords with Appendix 6 of the SELLP.

11. There is not considered to be a material noise, odour or disturbance impact from the proposal.

With regard to visual intrusion, the rear and principal elevation windows are considered to represent a standard frontage orientation. There are two first floor side elevation windows. The south facing window will serve a bathroom and be obscure glazed. The north facing window serves a landing and would be conditioned to be obscure glazed. There is not considered to be a material overshadowing or overbearing impact as the proposed dwelling is to the east-north-east of the nearest dwellings on Oakley Drive, with 29 Oakley Drive being located 23 metres away at the nearest point.

12. The dwelling would be in Environment Agency Flood Zone 3, and solely the further rear extent of the garden being "Low Hazard" and having a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. The proposed finished floor level of the dwelling is 5.31 metres ODN, which is 110mm above the level of Albion Street to the front of the dwelling.

This application satisfactorily accords with Policy 3 of the SELLP.

Flood Risk

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. 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. In this respect, the site is partially located within an area identified as "Low Hazard". However, it is not possible, consistent with wider sustainability objectives, for all new housing within the district to be delivered within an area of no risk and this is a less severe category. 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. In terms of the latter, the Environment Agency has no objections, with the Flood Risk Assessment stating that the properties be two-storey and that the proposed finished floor level of the dwelling is 5.31 metres ODN, which is 110mm above the level of Albion Street to the front of the dwelling.

PLANNING BALANCE

The principle of development in this location is considered to be acceptable as the dwelling would

be located on residential land in the largest settlement in the district. It is considered that the proposed dwelling can be accommodated on site without materially harming the character of the surrounding area, nor the amenity of Albion Street or the dwellings of Oakley Drive to the south-west. This application therefore accords 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, 2021.

CONCLUSION

This application is recommended for approval.

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.