DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No: H16-0796-20 **Applicant:** BLM Builders

Proposal: Residential Development - Erection of 4 dwellings - approved under H16-0715-16. Modification of Condition 1 to allow amendments to previously approved plans.

Location: Horseshoe Road Spalding

Terminal Date: 16th November 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	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application for the erection of 4 dwellings - approved under H16-0715-16. Modification of Condition 1 to allow amendments to previously approved plans at Horseshoe Road, Spalding. The proposal seeks to provide alterations to Plot 2. The first floor remains unaltered. The ground floor will have a utility and wc extension, with the previous utility / wc extension to become a dining area. The west facing window serving the kitchen room will now be able to fold back, with a window instead of a door now serving the dining room.

The footprint of Plot 2 has also been moved closer to the boundary with Plot 3 to the facilitate moving the detached garage to the western side of the plot and increase in size.

SITE DESCRIPTION

The site is within defined settlement limits on the edge of Spalding. The surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and design. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or risk on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H16-0482-14

Outline - Residential development - Refused - 17 September 2014 (Allowed at Appeal - 29 July 2015)

H16-0715-16

Reserved Matters - Residential development - Erection of four dwellings - Outline approval H16-0482-14 - Approved - 23 October 2017

H16-0397-18

Condition Compliance - Details of Archaeological Investigation (Condition 3 of H16-0715-16) - Part Approved / Part Refused - 20 November 2018.

H16-1189-18

Condition Compliance - Details of notification to LCC and final report for Plot 1 relating to archaeology (Conditions 4 and 5 of H16-0715-16) - Approved - 22 January 2019.

H16-0703-20

Non-material amendment - Residential Development - erection of 4 dwellings - approved under H16-0715-16. Amendments to design of Plot 2 and design and re-location of garage to Plot 2 - Non-determined - 19 October 2020.

H16-0935-20

Condition Compliance - Details of Closure Report - Plot 1 (Condition 2 part (iv) of H16-0715-16) - Decision not yet issued.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objection.

SHDC - Environmental Protection Officer

Condition 2 of H16-0715-16 should be carried forward to this application.

Councillor Newton

"Not sure if I am missing something but I can only see plans for plot 2 and the garages. Should there be something else?" - This matter has been explained to the Councillor as plots 1, 3 and 4 remain unaltered.

PLANNING CONSIDERATIONS

Principle of development

The proposal site is within the defined settlement limits of Spalding and the principle of development is considered to have been established through application H16-0715-16. The parent application has been commenced on Plot 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 size, scale, layout and density is considered to be acceptable for the site. The western elevation of Plot 3 is close to the eastern elevation of Plot 2. Plot 3 has no first floor west facing side elevation windows in the main body of the building, with the west facing window of bedroom 1 being approximately 9 metres away from the Plot 2 / Plot 3 boundary. The detached garage of Plot 2 is adjacent to the detached garage of Plot 1. There is not considered to be a material impact on residential amenity for the occupants of Plots 1, 2 and 3.

2. The design is in keeping with Plots 3 and 4 and the amended positioning does not impact the character or amenity of the surrounding area.

3. The proposal seeks to utilise materials to be in keeping with those of the adjacent plots.

4. The amended proposal does not impact previous access and vehicle generation levels, with 4 off road parking spaces provided at this 4 bedroom property.

5. The capacity of existing services and infrastructure is not impacted by these amendments.

6. There will be no impact on neighbouring land uses from noise, odour, disturbance or visual intrusion.

7. Sustainable drainage and flood risk is not impacted by the amendments. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or risk on the 2115 South Holland Strategic Flood Risk Mapping.

The proposal is considered to accord 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 proposal creates a sense of place by relocating the footprint of the building away from single-storey Plot 1 to the two-storey Plots 3 and 4.

3. The landscape character of the location of the site is not materially impacted by the relocation of Plot 2.

11. The size, scale, layout and density is considered to be acceptable for the site. The western elevation of Plot 3 is close to the eastern elevation of Plot 2. Plot 3 has no first floor west facing side elevation windows in the main body of the building, with the west facing window of bedroom 1 being approximately 9 metres away from the Plot 2 / Plot 3 boundary. The detached garage of Plot 2 is adjacent to the detached garage of Plot 1. There is not considered to be a material impact on residential amenity for the occupants of Plots 1, 2 and 3.

12. Sustainable drainage and flood risk is not impacted by the amendments. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or risk on the 2115 South Holland Strategic Flood Risk Mapping.

The proposed amendments are considered with SELLP Policy 3.

PLANNING BALANCE

The proposed amendments are considered to not materially impact the character or amenity of the surrounding area and neighbouring plots. This application 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, 2019.

CONCLUSION

The recommendation is one of 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.