

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0856-19 **Applicant:** Alexandra Brown
Proposal: Proposed pair of semi-detached house
Location: Site Rear: 175 Hawthorn Bank Spalding Lincs
Terminal Date: 24th October 2019

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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

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	0	2
OTHER STATUTORY BODIES	1	0	0	2
RESIDENTS	9	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed pair of semi-detached houses on residential garden land to the rear of 175 Hawthorn Bank, Spalding. The dwellings will be a mirror image of each other, with a living room, kitchen, dining area, cloakroom, water closet and utility room at ground floor level. Three bedrooms, a dressing room, en-suite and a bathroom will be sited at first floor level. There are no side elevation first floor windows, with the majority of fenestration to the front and rear of the proposed dwellings. Two park bays will be allocated to each dwelling and are situated to the east of the driveway, forward of Plot 2. The proposal finished floor level is 300mm above existing ground level. The site will be accessed by extending an existing driveway to the west of the host dwelling.

Site Description

The proposal site is within defined settlement limits to the rear of the existing dwelling and is substantially overgrown, with neighbouring properties to the north, east, south and west. A chestnut tree that is subject to a preservation order is located to the north of the proposal site in the garden of 5 Town End Manor.

History

None

Consultation Responses

NHS England

Not seeking Section 106 funding from the proposal.

Environmental Protection Officer

Requests full contaminated land condition.

Welland & Deepings IDB

"I note from the application form that surface water is proposed to discharge to soakaway. If this should change in the future, I would wish to be reconsulted at that time.

County Highways & SUDS Officer

No objections. Requests standard utility condition.

Trees & Conservation Officer

The pine tree on site is perhaps worthy of a Tree Preservation Order, the horse chestnuts are not. The Officer is not seeking a preserved order on any trees at this moment in time, however, they are happy that trees on the proposed landscaping plan are shown as being retained and wish to condition that if they are removed they are replaced with a tree that is first agreed in writing by the Officer.

The Rt Hon Sir John Hayes CBE MP

OBJECTS

- Surface water flooding potential.
- Loss of wildlife

- Poor quality design
- Loss of non-protected trees (Carries minimal planning weight)

Members of the public - 9

ALL OBJECT

- Surface water flooding potential with reference to 11 June 2019 flooding at Wentworth Close.
- Overlooking
- Overshadowing
- Parking provision
- Increase in traffic
- Manoeuvrability
- Overdevelopment
- Setting a development precedent
- Out of keeping with pattern of development
- Poor quality design
- Lack of cycle storage
- Lack of bin storage
- Impact on climate change from building
- Impact on mental health
- Gardens should not be termed as "unused land"
- Lack of capacity in existing drainage ditch.
- Loss of wildlife in contravention to Wildlife and Countryside Act 1981.
- Properties built solely for financial gain (Carries minimal planning weight)
- Future responsibility for maintenance of dyke (Carries minimal planning weight)
- Overlooking from parking areas (Carries minimal planning weight)
- Increase in traffic (Carries minimal planning weight in this context)
- Disturbance during construction (Carries minimal planning weight)
- Noise and smell disturbance post construction (Carries minimal planning weight)
- Loss of non-protected trees (Carries minimal planning weight)
- Loss of non-protected trees impacting surface water flooding (Carries minimal planning weight)
- Requests an improved landscaping scheme (Carries minimal planning weight)
- Loss of property value (Carries minimal planning weight)

Planning Considerations

Principle of development

This application is for housing development on residential garden land, which is no longer classified as brownfield land. The reason for this change is to give Local Planning Authorities the opportunity to resist inappropriate development of residential gardens where it would cause harm to the local area.

A pre-application response stated that there was another instance of backland development in the vicinity but it is not considered by the Case Officer to be immediately relevant to this site. The applicant chose to ignore the advice given that a single dwelling would be more appropriate on this site.

Surface water flooding potential with reference to 11 June 2019 flooding at Wentworth Close

It is difficult to understand why the County Highways & SUDS Officer would state that Wentworth Close is not susceptible to surface water flooding when they have been provided with photographic evidence of it. Additional dwellings on this elevated area of land would only serve to exacerbate this evidenced problem.

Overlooking

The submitted indicative proposal has been designed in such a way as to minimise overlooking and overshadowing concerns. However, taking into account the necessity to raise finished floor levels to 300mm above ground level and the plot being higher topographically than that of surrounding properties, it is considered that the development will have an overlooking impact.

Overshadowing

The is not considered to be a material overshadowing impact due to the acceptable separation distances to neighbouring properties.

Parking provision

The County Highways & SUDS Officer has not expressed any parking concerns.

Increase in traffic

The County Highways & SUDS Officer has not expressed any traffic concerns. The addition of a maximum of 4 vehicles to the regular vehicular movements around Hawthorn Bank is considered to be a minute increase in an area that accommodates a large volume of traffic.

Manoeuvrability

The County Highways & SUDS Officer has not expressed any manoeuvrability concerns. It is officer opinion that the parking location does not allow for easy manoeuvring, especially for larger family vehicles.

Overdevelopment / Setting a development precedent

The proposed development would constitute a cramped and incongruous form of development that would be at odds with the character of the surrounding area by virtue of the size of the plot, its location and relationship with neighbouring properties. As such, the proposal is considered contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. These policies indicate that new development will be permitted on suitable sites in Area Centres and should make a positive contribution to the character and appearance of the locality.

There are no other instances of backland development in the vicinity and to allow this would create a precedent that would make other such similar developments difficult to resist.

Poor quality design

The proposed plots provide an acceptable level of amenity for occupants, however the design is out of keeping with surrounding properties and not considered to be of substantive architectural quality.

Lack of cycle storage

No cycle storage areas have been provided and garages do not form part of the design, so any bicycles would like have to be stored within the properties.

Lack of bin storage

Whilst this may prevent unpleasant odour, South Holland District Council does not utilise wheelie bins for refuse collection. Therefore, any future occupant would have to source an alternate solution for the storage of full bin bags prior to collection.

Impact on climate change from building

Whilst local and national planning policy seeks environmentally responsible development it does not seek a moratorium on residential development in its entirety. Especially when there is an acknowledged housing shortage nationally. South Holland has a 5 Year Housing Land Supply when calculated under the Liverpool Method.

Impact on mental health

The change of an existing situation often brings such a reaction, and I do understand that changes to an existing situation causes an immediate response of fright with some genuine concerns but often some that are simply unfounded. Mental health and the amenity of residents do however constitute a material planning concern that is reflected in local and national planning policy.

Gardens should not be termed as "unused land"

This is a correct assertion. There should not be an assumption that gardens are a good location for development, especially when they provide an important amenity function to occupants and the environment.

Lack of capacity in existing drainage ditch

Photographic evidence has been provided of recent occurrences when the drainage ditch to the side of 175 Hawthorn Bank has reached capacity from surface water flooding. Additional properties in the vicinity would only exacerbate this problem.

Loss of wildlife in contravention to Wildlife and Countryside Act 1981

The site is currently overgrown and largely inaccessible. Whilst this may have created a habitat for certain types of wildlife is regrettable that it would flourish in an unkempt site that visually detracts from the amenity of the property and surrounding area.

Conclusion

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.