

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0864-21	Applicant:	Mr J Sandford
Proposal:	Proposed residential development comprising a two storey block of flats, to provide four x two bedroom dwellings - outline approval H16-1012-20. Layout, scale and external appearance of the building (including a schedule of all external materials to be used), the means of access to the site, and the landscaping of the site. Scheme of landscaping and tree planting. Details of the proposed boundary treatments. Full details of the proposed means of foul and surface water disposal. Full details of an ecology management scheme.		
Location:	Derelict Garage Site Hereward Road Spalding		
Terminal Date:	12th 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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
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WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	5	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

RESERVED MATTERS proposed residential development comprising a two storey block of flats, to provide four x two bedroom dwellings - outline approval H16-1012-20.

Confirmation of the layout, scale and external appearance of the building (including a schedule of all external materials to be used), the means of access to the site, and the landscaping of the site.

Scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post planting maintenance.

Details of the proposed boundary treatments.

Full details of the proposed means of foul and surface water disposal.

Full details of an ecology management scheme.

The application proposes four two-bedroom flats, in a two storey building, with eight parking spaces within a forecourt fronting the highway. The flats are designed to meet National Space Standards.

Since submission the application has been revised to reduce the overall height of the building by the reduction of the roof pitch and eaves detailing, as well as alterations to the roof form to minimise the potential for a loss of light. Sections through the development have also been provided. Also, the external elevational treatments have been amended to take in to account design cues within the area.

The application is supported by a Topographical Survey, Bio-diversity Enhancement Plan Mitigation and Drainage Impact Assessment.

SITE DESCRIPTION

The site is located within Spalding, on the western side of Hereward Road, within an established residential area. The land is bounded to the north, south and west by predominantly two storey family dwellings on Hereward Road and Winsover Road, with dwellings to the east, on the opposite side of the carriageway of Hereward Road. A Jehovah's Witness Kingdom Hall also stands almost opposite the site entrance.

The site previously accommodated 17 unused single garages, that have now been demolished.

The site is within Flood Zone 3 as shown on the Environment Agency's Flood Zone maps. The site is located 950 metres from the fluvial section of the River Welland and 2.7 km from the tidal section

of the River Welland. As the site is within a defended area the proposed development can be considered to be within Flood Zone 3(a) as defined in Table 1 of the Technical Guidance.

The level of Winsover Road south of the development site is approximately 3.9m ODN and the section north of the junction slopes down and the level 60 metres north of the site is 2.65m ODN. It is estimated that the level of the road in front of the proposed development site is 3.1m ODN.

RELEVANT PLANNING HISTORY

H16-1012-20. Proposed residential development comprising a two storey block of flats, to provide four x two bedroom dwellings. APPROVED 25-01-21. Condition 4 of this outline restricted the development to not exceed four x two-bedroom dwellings, and to not exceed two storeys in height.

REPRESENTATIONS

LCC Highways & SUDS

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application

Welland and Deepings Internal Drainage Board

No objection.

Anglian Water

No response to date.

Public

Objections

Four objections received to originally submitted scheme - summarised:

Overlooking/loss of light to properties in Hereward Road
Overlooking/loss of privacy to properties in Hereward Road
Building out of character
Noise (and disturbance)
Layout and Density of the proposed building
Security of properties in Hereward Road
Impact on human rights

Civil matters are also raised regarding boundary wall, use of drainage/sewage system, removal of asbestos from the site.

Four objections received to revised scheme - summarised:

Principle of development/block of flats
Noise and Pollution
Loss of natural light and overshadowing
Layout and Density of the proposed building
Building out of character
Current safety concerns and future site security
Noise
Impact on human rights

Other matters

Method of demolition
No authorisation will be given to utilise private drainage system.

Comments

One comment regarding provision for Swifts.

PLANNING CONSIDERATIONS

The main issues in this case are:

Principle of Development and Sequential Test

Layout and Design

Highway safety and parking

Impact of neighbouring Residents/land users

Flooding, Foul and Surface Water Drainage

Landscaping and Biodiversity

Contaminated Land

Impact on Human Rights

Principle of Development and Sequential Test

Section 38 (6) 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.

The site is inside the Spalding Settlement Limit and the principle of this development is accepted by the granting of the outline consent.

It is considered that the proposal would accord with Policies 1, 10, 11 and 17 of the SELLP and the provisions of the NPPF 2021 in this regard.

Layout and Design

The surrounding area is a mix of dwellings, and there is a Kingdom Hall on the opposite side of the road. The area reads as a predominantly residential area with a mix of ages and styles of dwellings.

Following the removal of the derelict garages, which had been an eyesore for some time, the site is left as a rectangular area of land, with clear access to Hereward Road.

The layout of the proposals seek to provide a two storey building with two flats per floor, with an area of shared garden for the flats, and provision for refuse storage and cycle storage for the flats in the rear garden area. Two parking spaces are provided per flat. The materials to be used are brick and tiles.

The existing boundary walls to the sides and rear to be retained and capped to ensure a consistent boundary.

The siting and form of the development has been influenced by the need to minimise impacts to adjoining residents, and side windows are to be obscure glazed and serving bathrooms. The external appearance of the building would be of a simple form, and would not be detailed in such a way to compete with adjoining development.

It is considered that the form of the development is appropriate to the site and the mixed form of the locale, and although unremarkable, would not form a strident or incongruent form of development.

It is considered that the design and form of the development is such that a refusal of consent could not be sustained. The development is considered to accord with Policies 2 and 3 of the SELLP.

Highway safety and parking

Parking for the dwellings is to be located to the frontage, and turning is shown to be adequate. Two parking spaces are allocated to each dwelling. There is no visitor parking proposed, due to the constrained width of the site. The adjacent highway is in the public realm and there are no parking restrictions in the area.

It is considered that on balance the parking arrangements are adequate.

Impact of neighbouring Residents/land users

The reuse of this derelict site that has apparently been used for unsocial and criminal behaviour will be of significant benefit to the locale and the adjoining residents.

The building is to be sited in such a way so as to not substantially block light to a first floor bedroom window in the side elevation of No. 2 Hereward Road.

It is considered that the adjoining dwellings in Hereward Road and Winsover Road have sufficient garden areas that the form of development being proposed would not have such an adverse impact on daylight, sunlight or overlooking that a refusal of consent could be sustained.

In order to prevent overlooking from windows in the side elevations, a condition that the side bathroom windows are obscure glazed and retained as such is suggested.

The development is considered to accord with Policies 2 and 3 of the SELLP.

Flooding, Foul and Surface Water Drainage

A Drainage Impact Assessment has been submitted, that outlines the options for the foul and surface water drainage and the inclusion of Sustainable Drainage Systems (SuDS), which sets out that following discussions with Anglian Water, Planning Liaison Officers have confirmed that there is an Anglian Water public foul sewer on Hereward Road. It is proposed to connect our foul and surface water systems to this public sewer.

The site was previously entirely hard surfaced and built upon, and the introduction of areas of garden and permeable paving is a betterment over the existing position. The proposed development will be made up of circa 0.040 Ha of impermeable area which comprises buildings, driveways, and footpaths. The remainder of the site is open permeable ground with an approximate area of 0.011 Ha.

It is to be noted that LCC as Lead Flood Authority raise no objections. The views of Anglian Water will be separately reported.

Landscaping and Biodiversity

There is little opportunity for the introduction of substantial landscaping, however, rear gardens are proposed, which is an improvement on the existing site coverage.

An Environmental Statement has been submitted that sets out provisions for bat boxes and provisions for Swifts, in accordance with the outline consent. The scheme accords with Policy 28 of the SELLP in this regard.

Contaminated Land

An informative was appended to the outline consent, advising that should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

Other matters

The method of demolition utilised and consent to be granted or withheld for the use of a private drainage system are not matters covered by planning legislation and can be given no weight.

For completeness, with regard to the demolition of the garages that took place, Building Control have advised that "The garages have already been demolished. Whilst they were being done HSE visited site due to the complaints about the work as we don't have any power. "

The ownership of the boundary wall that was partially demolished during the wider demolition is a civil matter.

Provision for Swifts is covered by condition appended to the outline consent.

PLANNING BALANCE

Section 38 (6) 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.

The proposed development would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 29 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The application proposal would accord with the provision of Policies of the SELLP and the guidance of the NPPF.

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.

RECOMMENDATION

Delegated approval.

The application was considered by the Chairman's Panel on 29 October 2021, at which the view was taken that a delegated decision would be appropriate.