DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0924-21**	**Applicant:**	**Mrs E Bodimead**
Proposal:	Erection of Bungalow		
Location:	Rear Of 28 Hawthorn Bank Spalding		
Terminal Date:	26th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

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

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the erection of a bungalow, with access only to be considered at this time.

Access would be via Hawthorn Bank, using the existing entrance from the highway, following demolition of the existing attached side extension on the site. Parking and turning is shown within the site for the existing and the proposed dwelling.

The application is supported by a Flood Risk Assessment, including a sequential test.

Site Description

The site is an established domestic garden to the rear of 28 Hawthorn Bank. The site is within the settlement boundary of Spalding.

History

None.

Consultation Responses

SHDC Environmental Protection Officer

No comments or objections.

LCC Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

The proposed dwelling would utilise the existing vehicular access serving number 28 Hawthorn Bank.

The proposal includes parking and turning areas for both the host dwelling and the proposed new dwelling.

The access has suitable visibility in both directions and it is therefore not expected that the proposed development would result in an unacceptable impact upon highway safety.

Therefore, 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 does not wish to object to this planning application.

Recommend an informative.

Third Parties

None received.

Planning Considerations

The main issues in this case are:

Principle of Development
Character and appearance
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage

Principle of Development

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 Spalding Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. No objections are therefore raised on locational grounds.

The bungalow would be located in the rear garden of the host dwelling. There are a number of similar developments within the locale and this form of development would not be out of character with the general form of this part of Spalding.

Character and appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposed development would be backland in nature. Ordinarily backland development is discouraged, however there are examples nearby of residential development located to the rear of frontage properties along Hawthorn Bank. It is therefore not a form of development that is alien to the area.

Subject to design, a bungalow could sit well within the site, whilst sufficient external amenity space could be retained for No. 28.

As this application is in outline with access only to be considered at this time, the character and appearance of the bungalow would be considered at the reserved matters stage.

A handful of trees and established garden would need to be cleared to facilitate the development, in particular a pollarded Willow tree. It is considered that this tree does not have a significant amenity value and its loss would not prompt the refusal of this proposal.

Highway safety and parking

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. It is considered that there would be sufficient space for the host dwelling and the proposed bungalow to have sufficient parking.

Although vehicles from the host dwelling would not have the facility to access/exit in a forward gear, LCC Highway Officers have not raised objection to the proposals. It is considered that the development would accord with Policies 2 and 3 of the SELLP in this regard.

Impact of neighbouring Residents/land users

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

As this application is in outline with access only to be considered at this time, the impact of neighbouring residents/land users would be considered at the reserved matters stage. It is

considered that a single storey dwelling could be accommodated within the site, subject to careful design to avoid overlooking and a loss of amenity to the neighbouring and host dwellings.

Flooding considerations

The site is within Flood Zone 3 as shown on the Environment Agency's Flood Zone map. The flood zone maps do not take into account existing flood defences. 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.

As set out in the submitted Flood Risk Assessment, it can be seen that for "More Vulnerable" development the sequential and the exception tests as set out in the Planning Practice Guidance need to be applied to the development.

Taking into account the guidance, it can be seen that it is extremely unlikely that an alternative site with a lower flood risk could be found in this area of Spalding. The safety of the development will be delivered by ensuring the floor level of the proposed new dwelling is above predicted residual flood levels for this area.

The South Holland District Council Core Strategy states that there is a limited number of sites in the South Holland DC area available for residential development. Some further land will need to be identified to enable the Council to meet the RSS and Structure Plan requirement for 2021. Therefore there is a requirement for further land to be brought forward and used for residential development.

It is consider that the sequential test has been passed.

It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. 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, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the site is within Spalding settlement boundary, which is one of the largest settlements within the district. Development is needed in this area to sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework

Concerning the second element, the submitted Flood Risk Assessment recommends that the ground floor level of the proposed dwelling should be at a level of at least 3.56m OD which is 300mm above the existing ground levels on the site.

All future occupiers of the properties should register with the Environment Agency's Floodline Warnings Direct Service.

This can be controlled by condition.

Foul and Surface Water Drainage

The foul water proposals are unknown at this time and shall be controlled via condition.

The surface water drainage from the roof of the proposed dwelling should be discharged into

soakaways and these should be designed to BRE Digest 365 and approved under Building regulations, however a condition is recommended to seek approval of these details.

Planning Balance

PLANNING BALANCE

The proposal is in a sustainable location for new housing. it is considered, on balance, that a bungalow on this site as indicated would not materially harm the character or appearance of the locality. Nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. LCC Highways have been consulted and have raised no objections on highway safety grounds. The proposal satisfies the sequential/exceptions tests in terms of flood risk.

The proposal therefore generally complies with the aims and objectives Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019. There are no adverse issues of such weight as to outweigh factors in favour of the proposal.

The South East Lincolnshire Strategic Flood Risk Assessment (2017) indicates that finished floor levels could be set at 300mm. This, in conjunction with the single storey nature of the proposed dwelling, should prevent any issues of overlooking or overbearing effect. Sufficient separation distance between the two-storey frontage properties could be achieved.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.