DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0935-21**	**Applicant:**	**Masons Homes Ltd**
Proposal:	Erection of detached dwelling and garage		
Location:	Rear Of 175 Hawthorn Bank Spalding		
Terminal Date:	10th 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, 14 and 15 of the National Planning Policy Framework (2021)

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, coastal change and flooding
Section 15 - Conserving and enhancing the natural environment

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	1	0

RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for erection of a detached dwelling and garage on garden land to the rear of 175 Hawthorn Bank, Spalding. The proposal seeks to provide a two storey dwelling with a detached double garage to the front. At ground floor level of the dwelling an entrance hall, lounge, wc, cupboard, study, utility and an open plan kitchen, dining and family room area. At first floor level four bedrooms, two en-suites and a bathroom will be provided.

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 6 Town End Manor. The site is in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H16-0856-19

Full - Proposed pair of semi-detached houses - Refused - 24 October 2019

H16-0029-20

Full - Erection of detached house - re-submission of H16-0856-19 - Approved - 17 April 2020

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

"No comments or objections."

SHDC - Trees & Conservation Officer

SHDC - Trees & Conservation Officer - From previous application H16-0029-20 - These comments have been taken into account in the new design.

Three significant trees of high amenity value are present on the site - Two horse chestnuts and a pine tree. It should be ensured that the building is outside of the root protection areas. Conditions to regulate any future works to the trees and for their protected during construction work are requested. Tarmac not appropriate due to limited permeability and roots are likely to lift it. Rubberised porous paving materials may be more suited.

Welland & Deepings Internal Drainage Board

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

Members of the public

Requests the installation of three swift bricks.
Does not constitute sustainable development.
Boundary between 173 and 175 Hawthorn Bank is not shown correctly - This is a civil matter that carries minimal planning weight.
Surface water drainage concerns.
Sir John Hayes MP has objected to previous plans - The opinions of Sir John Hayes carry no lesser or greater weight than that of any other member of the public.
There are three trees of significance on the site and a tree subject to a tree preservation order beyond the boundary at 6 Town End Manor.
Overlooking
Hedging at the rear boundary is in the ownership of 5 Town End Manor and cannot be trimmed without prior agreement - This is a civil matter that carries minimal planning weight.

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:

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. However, the proposal site is within the largest settlement limit in the district, within defined settlement limits and therefore the principal of development is agreed. Whilst there is little in the immediate vicinity, "backland" development is a fairly regular occurrence in Spalding and therefore this would not set a precedent for the area. It is considered that the proposed dwelling would support Spalding's role as 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 size, scale and layout is considered to be appropriate for the site and is not materially different to that of the approved plans under H16-0029-20. None of the development is in the root protection areas of trees and conditions will be added to prevent damage to trees during construction. The appearance and character of the surrounding area is not materially impacted.

2. The design and orientation is not materially different to the approved plans under H16-0029-20.

3. Proposed materials are Hoskins Flemish Antique Facing Bricks with Grey Sandtoft Double Pantiles. The proposed materials are considered to be appropriate for the character of the surrounding area.

4. Access remains unaltered and the site can accommodate four vehicles for off road parking. This accords with Appendix 6 of the SELLP.

5. This proposal will not materially impact existing community services and infrastructure.

6. There is not considered to be a material noise, odour or disturbance impact from this proposal. With regard to visual intrusion the ridge height of the garage is 5.44 metres, this is not considered to create an overshadowing aspect as it is set to the north of 175 Hawthorn Bank as the ridge is 7.5 metres from 117, and 8.8 metres from 175. With regard to potential overlooking the rear windows are over 30 metres from the nearest wall at 6 Town End Manor. From the front elevation, the distance to the nearest wall from first floor principal elevation windows is 19 metres to 175 Hawthorn Bank and 18 metres to 177. The view to dwellings at 175 and 177 Hawthorn is partially obscured by the 5.44 metre ridge height of the garage, as well as the 2 metre high boundary fence beyond. These are considered to be acceptable separation distances.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered be a need to raise finished floor levels to address flood risk in this location. The County Highways & SUDS Officer has no surface water drainage concerns.

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 size, scale and layout is considered to be appropriate for the site and is not materially different to that of the approved plans under H16-0029-20. None of the development is in the root protection areas of trees and conditions will be added to prevent damage to trees during construction. The appearance and character of the surrounding area is not materially impacted. A sense of place is not considered to be impacted by the proposal.

4. The proposal site is within the defined settlement limits of the largest settlement in the district and there are good and services within walking distance, as well as access to bus stops nearby.

5. There is adequate space on site for refuse and cycle storage. The site can accommodate 4 off road parking spaces which is above the required amount of 3 under Appendix 6 of the SELLP.

11. There is not considered to be a material noise, odour or disturbance impact from this proposal. With regard to visual intrusion the ridge height of the garage is 5.44 metres, this is not considered to create an overshadowing aspect as it is set to the north of 175 Hawthorn Bank as the ridge is 7.5 metres from 117, and 8.8 metres from 175. With regard to potential overlooking the rear windows are over 30 metres from the nearest wall at 6 Town End Manor. From the front elevation, the distance to the nearest wall from first floor principal elevation windows is 19 metres to 175 Hawthorn Bank and 18 metres to 177. The view to dwellings at 175 and 177 Hawthorn is partially obscured by the 5.44 metre ridge height of the garage, as well as the 2 metre high boundary fence beyond. These are considered to be acceptable separation distances.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered be a need to raise finished floor levels to address flood risk in this location. The County Highways & SUDS Officer has no surface water drainage concerns.

This application accords with Policy 3 of the SELLP.

PLANNING BALANCE

It is considered that the proposal dwelling can be accommodated on site without materially impacting the character and appearance of the surrounding area. There is not considered to be a material amenity impact due to separation distances and existing boundary treatment. This application is considered to accord 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, 14 and 15 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.