

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0942-21 **Applicant:** Mr G Green
Proposal: Erection of chalet bungalow
Location: Adj. 78 Wygate Road Spalding
Terminal Date: 9th December 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 and 14 of the National Planning Policy Framework (2021)

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for the erection of a chalet bungalow on garden land adjacent 78 Wygate Road, Spalding. At ground floor level the proposal seeks to provide a bedroom, bathroom and an open plan kitchen / dining / lounge area. At first floor level the proposal seeks to provide a large landing area to the front, with a bedroom and en-suite to the rear. Exact materials details would be addressed by condition. Proposed surface water drainage is by soakaway, with foul water drainage by mains sewer.

SITE DESCRIPTION

The site is on residential garden land within the defined settlement limits of Spalding and the surrounding area is characterised by dwellings of varying ages and designs. The site is in Environment Agency Flood Zone 3, and is not subject to increase hazard or increased flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels will be set at 300mm above ground level.

HISTORY

No relevant history.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections. Requests standard access and utility informatives.

SHDC - Environmental Protection Officer

No comments or objections.

Welland & Deepings Internal Drainage Board

No objections.

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:

The proposed dwelling would be sited on residential land within the defined settlement limits of the largest settlement in the district. It is considered that the proposed dwelling will help 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. Whilst the width of the plot is slightly smaller than other sites in the vicinity, the footprint of the dwelling is comparable to others in the vicinity. It is not considered that the site is "cramped" enough to an extent that would make the dwelling incompatible with this policy. One small tree in the centre of the site will be removed to facilitate this proposal - this is not protected. There is not considered to be a material impact on the character and appearance of the surrounding area.
2. The design is not out of keeping with the surrounding area which does not have a defined built character. The proposed chalet bungalow will be on the same line of frontage and orientation as that of the surrounding properties.
3. Exact materials of construction would be addressed by condition.
4. The proposed access will be constructed in accordance with highway standards. The design shows parking provision of two spaces at the existing dwelling at 78 Wygate Road and two spaces for the proposed two bed roomed dwelling. Car parking provision at both properties accords with Appendix 6 of the SELLP.
5. The proposal is not considered to materially impact existing community services and infrastructure.
6. There is not considered to be a noise, odour or disturbance impact from the proposal. The first floor windows to the front and rear are considered to represent a standard frontage orientation. The rooflight to the eastern elevation serves an en-suite, with the base of the rooflight being 1.55 metres above floor level. This is not considered to constitute a material overlooking aspect. The rooflight toward the front of the western elevation is 1.35 metres above floor level and serves a staircase and landing. This is not considered to constitute a material overlooking aspect. The rooflight toward the rear of the western elevation is 1.35 metres above floor level and serves a bedroom. A condition will be added to make each rooflight obscure glazed to prevent any potential opportunity for overlooking when closed. The facing windows to nos 74 and 78 Wygate Road that are in line with the dwelling also appear to be to non-habitable spaces. For this reason it is also not considered that the proposal would result in a material overbearing or overshadowing impact that would justify refusing the application.
7. The site is in Environment Agency Flood Zone 3, and is not subject to increase hazard or increased flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not a requirement to raise finished floor levels to address flood risk, although finished floor levels will be set at 300mm above ground level.

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. Whilst the width of the plot is slighter smaller than other sites in the vicinity, the footprint of the dwelling is comparable to others in the vicinity. It is not considered that the site is "cramped" enough to an extent that would make the dwelling incompatible with this policy. One small tree in the centre of the site will be removed to facilitate this proposal - this is not protected. There is not considered to be a material impact on the character and appearance of the surrounding area, nor a sense of place.

5. There is adequate space on site for cycle and bin storage. The proposed access will be constructed in accordance with highway standards. The design shows parking provision of two spaces at the existing dwelling at 78 Wygate Road and two spaces for the proposed two bedroomed dwelling. Car parking provision at both properties accords with Appendix 6 of the SELLP.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. The first floor windows to the front and rear are considered to represent a standard frontage orientation. The rooflight to the eastern elevation serves an en-suite, with the base of the rooflight being 1.55 metres above floor level. This is not considered to constitute a material overlooking aspect. The rooflight toward the front of the western elevation is 1.35 metres above floor level and serves a staircase and landing. This is not considered to constitute a material overlooking aspect. The rooflight toward the rear of the western elevation is 1.35 metres above floor level and serves a bedroom. A condition will be added to make each rooflight obscure glazed to prevent any potential opportunity for overlooking when closed. The facing windows to no's 74 and 78 Wygate Road that are in line with the dwelling also appear to be to non-habitable spaces. For this reason it is also not considered that the proposal would result in a material overbearing or overshadowing impact that would justify refusing the application.

12. The site is in Environment Agency Flood Zone 3, and is not subject to increase hazard or increased flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not a requirement to raise finished floor levels to address flood risk, although finished floor levels will be set at 300mm above ground level.

This application accords with SELLP Policy 3.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls in a no hazard and no increased flood risk area.

Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Spalding. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 300mm above ground level. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for connection to be made to the existing Anglian Water network for foul water disposal. Notwithstanding concerns raised during the consultation process, there are no known ground permeability issues in this area that would preclude the use of soakaways and Anglian Water are obliged to accept foul water flows from new developments if proposed.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

PLANNING BALANCE

Whilst there are bungalows to either side of the proposal site, there is not considered to be material overlooking, overshadowing or overbearing impact by virtue of the proposed dwelling. The design is considered to be appropriate for the site with exact materials to be addressed by condition, and is acceptable in highways and flood risk terms. The planning balance is therefore in favour of the proposal.

CONCLUSION

In light of the above, 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 and 14 of the National Planning Policy Framework, 2021. 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.