DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1012-20**	**Applicant:**	**Georgian Homes**
Proposal:	Proposed residential development comprising a two storey block of flats, to provide four x two bedroom dwellings		
Location:	Derelict Garages Site Hereward Road Spalding		
Terminal Date:	27th January 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 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

RESIDENTS	3	0	0	4

CASE OFFICER ASSESSMENT

PROPOSAL

Outline application to establish the principle of the redevelopment of this site for a residential development comprising four dwellings, following the demolition of the garages on the site. All matters are reserved, with an indicative layout submitted.

The application is supported by a Design and Access Statement and a Flood Risk Assessment.

The application has been revised since submission, reducing the number of dwellings from 6 dwellings to 4 x two-bedroom dwellings.

The application form sets out that the development would be served by a sustainable drainage scheme.

Applying the flood risk vulnerability classification in Table 2 of the Guidance, a development consisting of dwelling houses is classified as "more vulnerable".

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 currently accommodates 17 unused single garages, that are in a very poor state of repair.

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 HISTORY

None relevant to the site.

CONSULTATION RESPONSES

SHDC Environmental Protection

Request that in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health.

LCC Highways & SUDS

Does not wish to restrict the grant of permission.

Lincolnshire County Council does not have adopted parking standards and considers each

application on its own merits. This proposal has eight parking spaces, and whilst it is possible that the development may result in more parking demand than these spaces, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

As Lead Local Flood, Lincolnshire Council Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

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.

Public

Objections have been received, setting out the following matters (summarised):

- Flats are not appropriate to this area, as the street comprises family houses
- Building would be too big and would not fit in to the street scene.
- Noise generation from 4 flats and the associated cars
- Layout and Density of the proposed building
- Overshadowing of gardens and dwellings
- Loss of natural sunlight
- Loss of privacy and overlooking
- Treatment of the boundaries would need to be addressed
- Parking
- Security risk and rise in criminality in the area
- Impact on Human Rights

One third party has commented that the installation of swift boxes are required by condition, to provide enhancement for diversity.

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
Contaminated Land
Biodiversity
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 as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within sub-regional centres, including Spalding, development will be permitted. The development would constitute infill development. No objections are therefore raised in locational terms.

Although the locale is typical of Spalding, in that it is predominantly dwelling houses, it is not uncommon to find apartments, and it would not be appropriate to refuse this proposal on the basis that the form, layout and density of a flatted development would be so out of character with the area that it would not be suitable.

The aim of the Flooding Sequential Test, as set out in the Planning Practice Guidance, is to ensure

that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as defined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. The whole of this area on the west side of Spalding is in Flood Zone 3(a).

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. Most of the urban areas within Spalding which have already been allocated for development and are included within the SELLP are within flood zone 3(a).

It is considered that the proposal would accord with Policies 1, 10, 11 and 17 of the SELLP and the provisions of the NPPF 2019.

Layout and Design

This application is in outline with all matters reserved, however an indicative layout has been submitted to support the application and the proposal has been reduced from 6 units to 4 two-bedroom units. It is considered that the application demonstrates that the quantum of development proposed could be accommodated on the site and the details of this would be subject to further scrutiny at the Reserved Matters stage. As set out above, it would not be appropriate to refuse this proposal on the basis that the form, layout and density of a flatted development would be so out of character with the area that it would not be suitable.

It is considered that the proposal would accord with Policies 2 and 3 of the SELLP and the provisions of the NPPF 2019.

Highway safety and parking

The application has been amended to reduce the quantum of development, and the indicative layout indicates that parking for 8 cars could be accommodated on the site. These spaces have been shown to be within a shared parking area, however this scheme is indicative only.

Objection has been received with regard to parking, and concerns raised that there would be noise generated, as well as pressure put on the on street parking. It is to be noted that the number of parking spaces would be fewer than the 17 garages on the site at present, but the use would be different in nature. It is also to be noted that the pressure on the roads caused by the use of the Kingdom Hall at times of use and worship cannot be resolved by the development of this site.

It is considered that the proposal would accord with Policy 36 of the SELLP and the provisions of the NPPF 2019.

Impact of neighbouring Residents/land users

This is an outline application with all matters reserved. The objections of the neighbouring residents are noted, and the details of design and form would be subject to further scrutiny at the Reserved Matters stage. It would not be appropriate to refuse this proposal on the basis that the development would lead to a loss of day light or sunlight, or overlooking and a consequent loss of privacy, as this level of detail would be considered at the Reserved Matters stage.

The current use of the site for acts of criminality should be reduced, rather than exacerbated by the development, with the site being brought back in to an acceptable use.

The treatment of the boundaries of the site would be considered at the Reserved Matters stage. Any private disputes regarding the ownership of the boundary walls and structures would be a civil matter that can be given little weight.

Other matters raised by objectors are addressed elsewhere in this report.

It is considered that the proposal would accord with Policies 1, 2, 3, 30 and 36 of the SELLP and the provisions of the NPPF 2019.

Flooding, Foul and Surface Water Drainage

In an area where there is a flood risk, however small, it is preferable that new dwellings should be of two storey construction designed with all sleeping accommodation located on the first floor.

However as the predicted risk of flooding is extremely low it is considered that it is satisfactory to allow sleeping accommodation on the ground floor of the building. It is recommended that the finished ground floor level of the proposed dwellings should be a minimum of 300mm above the level of Hereward Road in front of the site.

If any flooding did occur due to an extreme event it would happen extremely slowly over many hours and the Local Authorities and emergency services would have adequate time to warn residents that flooding might occur, and residents would have adequate time to prepare themselves for the event.

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

On site surface water drainage should be discharged into soakaways and these should be designed to BRE Digest 365 and approved under Building regulations.

It is considered that the proposal would accord with Policy 4 of the SELLP and the provisions of the NPPF 2019.

Landscaping

This is an outline application with all matters are reserved. The landscaping of the site would be addressed at the Reserved Matters stage.

Contaminated Land

SHDC Environmental Protection have requested an informative in the event of sources of contamination being found during construction.

Biodiversity

The explanatory text to Policy 28 of the SELLP sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

A condition is suggested to address Policy 28.

Planning Balance

The location of this site within the settlement boundary of Spalding gives weight to the principle of the redevelopment of this site for residential use. This outline application has been able to demonstrate that the form of development, being 4 x two bedroom dwellings, could be accommodated on this site. The location of the site within Flood Zone 3 has been addressed above.

On balance it is considered that the location of the site and the documentation provided to support this application demonstrates that an acceptable development could be achieved. The details of the development would be addressed at the Reserved Matters stage.

For all these reasons, the presumption in favour of sustainable development applies and the principle of development is considered to be acceptable in this instance.

Conclusion

A delegated approval of outline planning permission is recommended. This outline application

accords with the policies set out above of the SELLP and the NPPF 2019, subject to the conditions recommended.

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 subject to conditions.