DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1138-20**	**Applicant:**	**Mr A A Bettinson**
Proposal:	Residential Development - Proposed building plot for bungalow		
Location:	Adj Mortimer The Raceground Spalding		
Terminal Date:	23rd February 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 2019

Section 5- Delivering a sufficient supply of homes
Section 11- Making effective use of land
Section 12- Achieving well-designed places
Section 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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for residential development (bungalow), with all matters reserved on land adjacent Mortimer, The Raceground, Spalding.

The application is supported by an indicative block plan which shows a bungalow on a similar building to the existing neighbouring dwellings with a garden to the rear and which wraps around the rear of the property to the north.

The application is effectively a resubmission of previous approvals.

Site Description

The site is part of the garden of the adjacent dwelling known as 'Mortimer', which is a bungalow set within a large plot. There is railway waste ground and a railway line to the east behind the existing dwellings and open fields to the west to the front of dwellings and access road.

History

H16-1164-17- Approved- 11-01-18- Residential development - proposed building plot for bungalow and access

H16-0974-14- Approved- 26-01-15- Residential development - proposed plot for bungalow and access

H16-0790-11- Approved- 21-11-11- Proposed residential development and vehicular access

H16-1104-08- Approved- 15-12-08- Proposed residential development and vehicular access

Consultation Responses

LCC Highways / SUDS - Does not wish to restrict the grant of permission.

SHDC Environmental Protection Officer - No objection.

Planning Considerations

The key considerations in this case are:
- Principle
- Character and Appearance
- Highway Safety and Parking
- Residential Amenity
- Flood Risk and Drainage

Principle

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 situated within the settlement boundary for Spalding & Pinchbeck, as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that 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. The proposal is for a single dwelling situated in between existing residential development. It can therefore be considered infill development. Additionally, incremental growth via infill development will help, albeit perhaps only to a small extent, sustain existing facilities. The site is therefore considered to be

suitable in locational terms.

Character and Appearance

The indicative block plans show a proposed bungalow (approx. 12m in width, 18m in depth) fronting on to The Raceground, with parking located to the front of the dwelling.

The exact design of the proposed dwelling can only be assessed at reserved matters stage, however it is considered that the site is capable of accommodating a bungalow which will sit suitably within the existing street scene.

Based on the current submission, it is not considered that the proposed development would have a material adverse impact on the character and appearance of the area. It therefore complies with Policies 2 and 3 of the Local Plan in this regard.

Highway Safety and Parking

Access is a reserved matter. However, the Highways Authority have not objected to the principle of residential development on the site and thus the proposal is considered to comply with Policy 2 of the Local Plan, which requires that access and vehicle generation levels will be acceptable.

Parking provision can only reasonably be assessed at reserved matters stage as the submitted floor plans are merely indicative given the proposal is in outline form.

Impacts upon Residential Amenity

Neither neighbouring bungalow has facing windows. Mature landscaping consisting of tall trees and bushes shields the rear from any potential overlooking of the proposed development, although elevational details would not be provided for consideration until Reserved Matters stage. Given this, there are no material overlooking or overshadowing concerns at this stage.

The plot measures an overall width of approx. 14m at this point. The large side garden area makes a good sized plot with a reasonable separation distance, without the plot belonging to the host dwelling being reduced to an unacceptable degree. Both plots would therefore be considered to have sufficient residential amenity, should development go ahead.

The submitted Flood Risk Assessment recommends that finished floor levels be set a a minimum of 300mm. At such a height, it is not considered that raising floor levels would result in a form of development that is overbearing or would result in overlooking.

The proposal appears able to be constructed without impacting on nearby residential amenity so is considered to be able to comply with policies 2 and 3 which seeks to protect residential amenity.

Flood Risk and Drainage

Flood Risk - The site is within Flood Zone 3 as shown on the Environment Agency's Flood Zone Map. However, the hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways. There are no known permeability issues in this area that would preclude the use of soakaways. No foul drainage details have been submitted so would need to be conditioned if permission were to be granted.

Given the above, the proposal (at this stage) 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

The proposed residential development will not materially harm the character or appearance of the locality or amenity of nearby residents. There are no significant highway issues, subject to satisfactory parking and turning facilities and the proposal is considered acceptable in flood risk and drainage terms. The proposal is therefore considered to be in accordance with Policies 1, 2, 3 and 4

of the South East Lincolnshire Local Plan, 2019.

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.

Conclusion

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