

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1187-19 **Applicant:** Broadgate Homes Ltd
Proposal: Residential development - comprising 6 dwellings
Location: Land Off Clover Way Wygate Park Spalding
Terminal Date: 3rd April 2020

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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

RESIDENTS	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

This is a full application for a residential development comprising of 6 dwellings . The proposal seeks to provide 6 detached bungalows accessed via a tarmaced private drive off Clover Way. All sites will be bordered on side and rear boundaries by a 1.8 metre high timber fence.

Plot 1 will be sited to the west of the site and will have a dedicated driveway to the front of the property with a separate driveway serving a single detached garage to the rear. The bungalow will contain three bedrooms, a bathroom, en-suite, utility, sitting room and an open plan dining / kitchen room.

Plot 2 is sited in the south-west corner of the site, with a detached double garage sited to the side of the front elevation, and the main entrance sited on the southern elevation to the side of the property. The bungalow will contain three bedrooms, a bathroom, en-suite, utility, cloakroom, sitting room and an open plan dining / kitchen room.

Plot 3 is sited in the south-east corner of the site, with a detached 2 x double garage sited to the northern side of the front elevation, and the main entrance sited on the southern elevation to the side of the property. The bungalow will contain three bedrooms, a bathroom, en-suite, utility, cloakroom, sitting room and an open plan dining / kitchen room.

Plot 4 in one of two plots sited toward the eastern boundary of the site, with a detached 2 x double garage sited to the southern side of the front elevation, and the main entrance sited on the southern elevation to the side of the property. The bungalow will contain three bedrooms, a bathroom, en-suite, utility, sitting room and an open plan dining / kitchen room.

Plot 5 is the second of two plots sited toward the eastern boundary of the site with an integral single garage on the southern elevation. The bungalow will contain three bedrooms, a bathroom, en-suite, utility, sitting room and an open plan dining / kitchen room.

Plot 6 is sited in the north-east corner of the site with an integral single garage on the southern elevation. The bungalow will contain three bedrooms, a bathroom, en-suite, utility, sitting room and an open plan dining / kitchen room.

Proposed wall materials are Wienerberger Washington Multi to Plots 1, 3, 5 and Plot 1 garage. Weinberger Carolina Red to Plots 2, 4, 6 and Plots 2, 3 / 4 garage. Proposed roof materials are Sandtoft Double Pantile (Concrete) to Plots 2, 4, 6 and Plots 2 3 / 4 garage in Terracotta Sandtoft Calderdale to Plots 1, 3, 5 and Plot 1 garage in Dark Grey with Red Ridges.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by buildings of varying ages and design. There are houses to the north-west and north-east of the site with bungalows to the west, Wygate Neighbourhood Centre to the east and a landscaping belt to the south with Wygate Park highway beyond.

History

H16-0063-00

Outline - Residential development - Withdrawn - 04 February 2000

H16-0064-00

Outline - Residential development - Withdrawn - 04 February 2000

H16-0650-01

Outline - Residential development - Secretary of State Allowed - 06 November 2003.

H16-0430-05

Reserved Matters - Residential development - comprising 316 dwellings (Outline H16-0650-01) - Approved - 21 February 2006.

Consultation Responses

LCC as Local Highway and Lead Local Flood Authority

No objection subject to informatives.

LCC Historic Environment Officer

Archaeological evaluation has previously been carried out in association with the surrounding residential development.

Based on the results of this work we recommend that no further archaeological input is recommended for the proposed development.

SHDC Environmental Protection Officer

No Observations to make.

Welland and Deepings Internal Drainage Board

Note from the application form that foul water is to connect to the mains sewer and surface water is to discharge to soakaways. If these should change at any point in the future, would wish to be consulted at that time.

Third Parties

One comment has been received.

...would like to know if it's planned to put a new fence at the back of Plots 3,4,5 & 6 leaving a small gap to the existing fences - as this would leave a gap for debris to collect and rot or are you intending to remove the existing boundary fences and replace them in existing position. If the plan is to leave a small gap then I do object as this was done when the neighbourhood centre was built and it collected all sorts of rubbish and started to rot our fence.

Planning Considerations

Principle of development

The site is within the settlement limits of Spalding which is the largest settlement in the district of South Holland. A wide range of services are available in the vicinity that are considered to make this proposal site and the wider area sustainable in planning terms.

Potential for gap in fencing behind plots 3, 4, 5 and 6

Plans for additional fencing to the rear of plots 3, 4, 5 and 6 do not form part of this proposal. Therefore, there will not be fencing gap as there will not be a doubling up of fencing at this boundary.

Protected species report

Flood risk

The submitted Flood Risk Assessment proposes finished floor levels of 500mm above ground level. The Environment Agency were not consulted on this as the site, whilst being located in Flood Zone

3 is on a "Danger to Some" hazard area with a maximum predicted flood depth of 500mm. The proposed finished floor levels are not considered to lead to a material overlooking or overshadowing impact, nor will they materially impact the character of the surrounding area.

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. Paragraph 158 of the National Planning Policy Framework advises that: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The site, as situated, is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South Holland Strategic Flood Risk Assessment (2017) is therefore used as a basis to apply the sequential test. In this respect, the site is located within an area identified as "Danger to Some". However, it is not possible, consistent with wider sustainability objectives, for all new housing within the district to be delivered within an area of no risk and this is a less severe category. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should be applied. 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, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing a sustainable location within the district. In terms of the latter, the submitted Flood Risk Assessment has recommended that the properties be two-storey and that finished floor levels (FFLs) be set at least 500mm above existing ground level which is in accordance with the 2115 South Holland Strategic Flood Risk Mapping.

Loss of Abbeygate Rest Home

Section 2 of the submitted Design & Access Statement states that "The site is currently vacant and laid to grass with no existing structures or landscaping present."

Section 2.3 of the submitted Planning Statement states "The reserved matters was approved in 2005 and planning permission on this site was granted specifically for a single storey, 30 bed care home / rest home with an ancillary medical facility. The residential development comprising 316 has been completed and the 30 bed nursing home has not been delivered because of a lack of interest from specialist providers in providing such a facility in this location. It is acknowledged that there are three other care homes in Spalding and Broadgate have a sister company which operates care homes within the district."

"After more than a decade of this land parcel remaining undeveloped and given the known housing need, Broadgate Homes are proposing a replacement infill residential scheme that will deliver six bungalows within the plot that is already identified for development."

Impact on residential amenity

There is not considered to be a material impact on residential amenity arising from this proposal. The proposed finished floor levels of 500mm are not considered to lead to a material overlooking or overshadowing impact, nor will they materially impact the character of the surrounding area.

With specific reference to Plots 1 & 2 and the proximity to the Spalding Town Husbands bungalows to the west, there is not considered to be a material impact on amenity. The single detached garage of Plot 1 is approximately 5 metres at the nearest point of the adjacent bungalows. The main dwelling of Plot 2 is approximately 5 metres at the nearest point of the adjacent bungalows. The rear elevation windows of Plot 2 serve a bedroom, bathroom, dining area and a kitchen room. Given the separation distance to the adjacent bungalows as well as the proximity of the 1.8 metre high boundary fence, there is not considered to be a material overlooking aspect.

With regard to overshadowing, the garage of Plot 1 is 2.67 metres in height and will not need to be raised further out of the ground as it is not a habitable room. The separation distance and minimal garage height means that there is not considered to be a material overshadowing impact from the proposed garage.

The rear elevation eaves height of Plot 2 once the 500mm finished floor levels are taken into account will be 3.16 metres in height at the nearest point to the adjacent bungalows. The maximum apex height of the roof is approximately 9.45 metres from the adjacent bungalows at the nearest point and will be 6.1 metres allowing for finished floor levels. As the highest point of the bungalow is nearly 10 metres away and is sloping away from the site, it is considered that there will not be a material loss of daylight to the adjacent bungalows.

As there is an extant permission in place for a significantly higher rest home on site. It is considered that this greatly reduces impact on the amenity of the surrounding area, by bringing forward a design that compliments the existing surrounding housing stock.

The design and layout is therefore considered to accord with advice given within Section 12 of the NPPF which is titled Achieving Well Designed Places.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.