DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1193-22**	**Applicant:**	**Mr A Fragale**
Proposal:	Erection of detached two bedroom dwelling		
Location:	Land To The Rear Of 11 - 18 Little London Spalding Lincs		
Terminal Date:	13th March 2023		

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 8 - Promoting Healthy and Safe Communities
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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a residential dwelling to the rear of 11-18 Little London, Spalding.

The proposal is for a single, detached chalet style bungalow. The development will be constructed of red brick, with grey slate tiles. The property will have white UPVC windows and doors. There will be four front facing windows (two on each floor), a north-east facing window and a south-east facing window, both on the ground floor. White UPVC doors will be placed to the front and rear of the property, with the main door featuring an overhang. This design will match the adjacent properties approved under H16-1198-18.

The property will measure approximately 6250mm (width) by 7000mm (depth), with a footprint of approximately 43.75 square metres. The height of the development will measure approximately 3300mm to the eaves, and 6400mm to the peak.

To the rear of the property is a small garden measuring 6600mm (width) by 5500mm (depth). There will be a 1830mm feather-board boundary fence to the rear, south-west of the property and between the proposed and 1 Eric Fragale Place.

The proposal is closely linked to the four dwellings approved in H16-1198-18 and proposes alterations to the approved access and parking for this application. Parking provisions for the proposed new dwelling will take the form of two spaces located 6 metres to the north-west of the property.

Entry to the site would be between 10 and 11 Little London. The site will be exited between 18 and 20 Little London.

Site Description

The site is an infill development to the rear of 11-18 Little London. Building work is currently underway on four dwellings, approved under H16-1198-18, on the land immediately adjacent to the site.

The area is characterised by residential and retail developments. The residential developments are predominantly smaller terraced units, characterised by a muted colour pallet (whites, browns, and greys). There is a relatively high density of housing here. The retail units are a mix of smaller convenience shops and larger industrial retail usage.

The site is to the south of Spalding, in the Little London area, but still falls comfortably within the settlement boundaries outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The development is located approximately 100 metres west of Little London Bridge. Roughly 100 metres to the south is the river Welland.

There will be a distance of 1370mm between the proposed dwelling and those currently under construction, while to the south-west there is a distance of 3400mm to 19 Little London. There will be a separation distance of 5500mm from the rear of the property and the edge of the curtilage. This space will be occupied by the garden.

Relevant History

H16-1198-18 - Full. Residential development, 4 semi-detached, single storey properties. Approved 5/3/19.

H16-0851-09 - Reserved Matters. Details of external materials, external doors, windows, front canopy and eaves (Conditions 2, 3, 4 and 5 of H16-0877-05). Approved 13/11/09.

H16-0877-05 - Full. Erection of pair of semi-detached one-bed bungalows. Approved 12/9/05.

H16-0678-05 - Full. Erection of detached bungalow and attached single garage (Re-submission of H16-0189-05). Refused 30/6/05.

H16-0189-05 - Full. Erection of three-bed bungalow. Refused 11/4/05.

H16-0573-98 - Full. Erection of pair of semi-detached houses. Refused 21/7/98.

H16-1029-97 - Full. Residential development. Non-determination 8/1/98.

H16-0082-97 - Full. Residential development. Refused 21/3/97.

Consultation Responses

Welland and Deepings Internal Drainage Board

"Looking at the current proposals, the Board have no objection in principle. As the Board's Little London pipeline is in close proximity to the neighbour's side of the boundary fence, an application to relax the nine-metre byelaw will need to be submitted in advance of any site works.

I have held informal discussions with the agent and am pleased to be informed that surface water is to be discharged to the front via soakaways or mains public sewer. I have explained as a matter of courtesy to the agent that, unfortunately, the Board cannot accept any new surface water discharge into Little London pipeline as it is already up to capacity in regard to surface water disposal."

Highway and Lead Local Flood Authority

"No objections. 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application."

Environmental Health

Request that that working hours for the construction is kept to a 08:00-17:00 time period to protect the amenity of the nearby neighbours.

Planning Considerations

Principle of development

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 SELLP. Policy 1 indicates that within the settlement boundary of Spalding development will be permitted that supports its 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. Incremental growth via infill development will help, albeit only to a small extent, to sustain existing facilities. The site is therefore considered to be suitable in locational terms

Flood Risk

The submitted flood risk assessment and the Environment Agency's flood risk maps show that the vast majority of South Holland is within Flood Zones 2 and 3, and that almost all of Spalding is within Flood Zone 3. The site itself lies within Environment Agency Flood Zone 3a. The South-East Lincolnshire Strategic Flood Risk Assessment, March 2017, (SFRA) show the site lying outside of a hazard zone.

The National Planning Policy Framework , 2021 (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 zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The SFRA is the basis for applying the sequential test. As the majority of the district is within Flood Zones 2 and 3, 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 the NPPF.

Within the SELLP, reasonably available sequentially preferable sites have been identified in Spalding in terms of flood risk. There are a few sites within Spalding that are in a lower risk flood zone, however these sites fall within hazard zones in the SFRA. It could therefore be argued that, should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, the site is acceptable in flood risk terms.

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.

It is considered that the development would provide wider sustainability benefits to the community in terms of its ability to help meet the housing need. The central location will increase the long-term sustainability of the development, enabling residents to easily access services and make use of sustainable modes of transport. In the short term, there will be some economic benefit created by employment, however, this is not considered to be significant. The proposal features floor levels raised by 30cm, in line with advice from the submitted flood risk assessment. This should ensure that the property is safe for its lifetime.

It is worth noting that the submitted flood risk assessment does contain some minor inaccuracies. For example, the property is referred to as a "two-storey dwelling with all sleeping accommodation on the first floor." This is not the case as there are bedrooms on both floors. While this does not mean the entire report should be disregarded, it does somewhat undermine the conclusions.

Layout, Design, Size and Scale

Paragraph 130 of the NPPF establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP states that 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.

The proposed development would be back land in nature, being to the rear of properties fronting onto Little London. However, there are already existing back land properties immediately to the west (19 and 19a) which were approved under H16-0877-05 and to the east, approved under H16-1198-18. Therefore, the existing development form matches the proposed and so the proposed dwelling would not be out of keeping with the area.

The property is of similar scale and design to the existing bungalows to the east and west. Therefore, the design will not be out of keeping with the character of the area and will blend seamlessly into place.

A suitable separation distance between the proposed bungalow and the flats at 15 Cradge Bank has been achieved. Similarly, there is an acceptable distance between the proposed and 14-18 Little London. However, the distance between the proposed dwelling and the existing bungalows either side is minimal. This minimal separation distance has the potential to make the site feel cramped and may lead to the feeling that the site is overdeveloped. Naturally, if this was to occur, it would damage the character of the area.

Impacts Upon Resident Amenity

Paragraph 130 of NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The property will feature obscured glass to the bedroom roof lights on its first floor, thus reducing the potential for overlooking. It is appreciated that there would still be the potential for occupants to open the windows in question; however, the potential for significant overlooking is still minimal.

The minimal separation distance between the proposed dwelling and 19 Little London as well as 1 Eric Fragale Place raises overshadowing concerns. Both properties have windows looking onto the proposal, and will therefore, see a reduction in the quantity of light. While neither of these rooms is liveable, the loss of light will still have some impact upon the residents. There is significant enough separation distance to 14-18 Little London and 15 Cradge Bank as to raise no overshadowing concerns.

In terms of amenity space for the occupiers, a garden measuring roughly 36 square meters is proposed. This would be greater than the existing bungalows to the west and is akin to that of the four properties approved to the east. The floorspace which would be provided would also be comparable to that of the previously approved dwellings.

Parking Provisions and Highways Concerns

The proposal is sited on land outlined in H16-1198-18 as a parking space for plot 1. As such the approved parking arrangements have been altered. The parking for plot 1 has been moved to the north-west, alongside the proposed parking for this dwelling. Two parking spaces are to be provided for the dwelling. This conforms to Policy 36 and appendix 6 of the SELLP, which states a minimum of two parking spaces are required for dwellings with less than three bedrooms.

Lincolnshire County Council acting as the Highways and Lead Local Flood Authority have raised no objections. They have stated the proposal will not cause an unacceptable impact upon the local highway network.

As such, the proposal is considered acceptable in highways and parking terms.

Refuse Collection

The submitted plans outline that the refuse collection point will be adjacent to the highway, located between 13 and 14 Little London. From the edge of the property's curtilage this distance is narrowly within the 30-metre carry distance outlined in the Council's Guidance Note on Private Drives (measuring 29m). As such, the waste disposal scheme is deemed acceptable.

Planning Balance

Policy 11 of the SELLP highlights a need for 5510 additional dwellings within Spalding. This Policy also outlines that, as of publication, only 1920 have been approved. Therefore, there is a legitimate need for housing in the settlement. Paragraphs 5.3.5 and 5.9.4 of the SELLP highlights the important role infill developments can play in achieving the housing needs of an area. The 5-year Housing Land Supply Assessment, 2022, outlines that despite recent over-delivery, there is still a historic shortfall of housing supply in the district. Both this historic shortfall, and the policy referenced within this paragraph confirm that there is a tangible need for housing within Spalding and that developments such as the proposed are vital to achieving this need. As such, weight should be given in favour of this proposal.

The strength of the flood defences protecting Spalding dramatically reduces the potential for flooding. As the majority of the district suffers from some form of flood risk, directing development to areas that are well protecting is prudent.

While on the surface the development may appear cramped, the space it will occupy is no less than those previously approved in the area. The separation distance between the proposal and the neighbouring dwellings is small but is still greater than the distances approved between the dwellings under H16-1198-18.

The development will not appear incongruous within its setting, being constructed in a similar style to existing properties. The amenity space of the development is also comparable to existing dwellings immediately adjacent.

The planning balance is in favour of this proposal.

Conclusion

Recommendation is for delegated 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.