

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-1298-21	Applicant:	Mr & Mrs J Tucker
Proposal:	Erection of 2 detached dwellings		
Location:	Adj. The Poplars 51 Cowbit Road Spalding		
Terminal Date:	9th February 2022		

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

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
 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
 Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND 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 2no two storey detached dwellings on land between Sunnymede and 51 Cowbit Road.

The dwellings would comprise a lounge, single garage, w/c, utility room and a kitchen dining room on the ground floor. On the first there would be 3no bedrooms, a study, bathroom, and an en-suite shower/dressing area serving the master bedroom. The front garden would be paved/gravelled providing off-street parking provision for 2-3no vehicles

The dwellings would be constructed from hampton rural blend facing bricks, santoft britlock interlocking slate tiles, black upvc rainwater goods, aluminium windows in a cream colour finish and an oak porch to the front.

The front boundary would be enclosed by a 1.2 metre high wall with railings. The side boundaries towards the front of the site would be enclosed by a 1.2 metre high close boarded fence. The remainder of the site would be enclosed by a 1.8 metre high close boarded fence.

Site Description

The site is a strip of land between a bungalow (Sunnymede) and a two storey dwelling (51 Cowbit Road). The site is off Cowbit Road and is within the Spalding settlement boundary. The street is characterised by dwellings of varying ages and designs. To the rear of the site are various commercial buildings. To the east of the site a new residential development has been approved.

History

H16-0276-13 - Two storey side extension with replacement entrance steps and porch with floating rear deck and internal alterations - Approved

H16-0549-13 - Residential development - 1 dwelling (renewal of H16-0417-10) - Approved

H16-0417-10 - Residential development - 1 dwelling - Approved

H16-0602-09 - Residential development - 2 dwellings - Refusal

Consultation Responses

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

LCC Highways/SUDS Authority

No objection. Requests the addition of two informative notes should permission be granted.

Environmental Protection

No objections.

Planning Considerations

Principle of development

The site is within the Spalding settlement boundary therefore the principle of residential development is considered acceptable.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed scheme is considered much better in terms of design and siting of the dwellings compared to the previously refused scheme for 2 no dwellings on the site. The proposed dwellings are on balance considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space to the rear and parking to the front. As such it is not considered that the proposal results in overdevelopment of the site. The proposed dwellings would have a similar set back from the highway to the existing row of dwellings to the north-east. There is no strong character in this part of the street therefore the proposed dwellings are not considered to be out of keeping with the street scene.

The front area would be sufficiently spacious for driveways providing off-street parking for 2-3 vehicles for each dwelling. The rear gardens would be a generous size and much bigger compared to the dwellings to the north-east of the site. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The dwellings would be constructed from hampton rural blend facing bricks, santoft britlock interlocking slate tiles, black upvc rainwater goods, aluminium windows in a cream colour finish and an oak porch to the front. The front boundary would be enclosed by a 1.2 metre high wall with railings. The side boundaries towards the front of the site would be enclosed by a 1.2 metre high close boarded fence. The remainder of the site would be enclosed by a 1.8 metre high close boarded fence.

Given there are examples of various materials in the immediate area the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual amenity of the area.

As such the proposed development is considered acceptable in terms of its appearance and impact on the street scene.

Flood risk and drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The Environment Agency's 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. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

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. 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 benefits from defences on the River Welland and Coronation Channel that provide protection during the 1% annual probability (1 in 100 chance each year) fluvial event including climate change. During a breach of the defences the site is outside the area at risk of flooding.

The site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the South Holland IDB high

priority watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).

It is recommended that the finished floor level is not lower than +3.6m OD approximately 0.3m above surrounding ground level with 0.3m of flood resilient construction above finished floor level.

The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

With regard to drainage, surface water is proposed to be run off to a soakaway and foul water to a mains sewer. In order to ascertain the suitability of ground conditions for soakaways South Holland Internal Drainage Board has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4). An informative has been attached advising the applicant of this.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Residential amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The adjacent neighbour to the north/north-east (Sunnymeade) is a bungalow and the closest dwelling would be located approximately 1 metre from the shared boundary with this neighbour and 2.6 metres from its side elevation. Although this is considered to be relatively close considering the neighbouring property is single storey, the proposed development is not considered to result in any overbearing impact or unacceptable overshadowing given this neighbour does not have primary windows in its side elevation facing the application site. In addition, no windows are proposed in the side elevation facing this neighbour therefore there are no overlooking or loss of privacy concerns. Furthermore given the proposed dwelling would not project beyond the front or rear elevations of this neighbour no overbearing impact would result.

With regards to the neighbour to the south at no.51 Cowbit Road the proposed dwelling closest to this neighbour would be sited 1 metre from the shared boundary and approximately 3 metres from its nearest elevation. Given this and the fact the proposed dwelling would sit adjacent to this neighbours driveway to the front it is not considered to result in any unacceptable overshadowing or overbearing impact. In addition, no windows are proposed in the side elevation therefore there are no overlooking or loss of privacy concerns.

Given the above, it is considered that it has been demonstrated that the proposal would comply with Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF in respect of its provision for residential amenity.

Site levels

The existing and proposed site levels are not clear therefore it is deemed necessary to secure these details by way of a condition to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development.

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms and 3 spaces for dwelling with 4+ bedrooms should be provided within the curtilage. The proposed dwellings would have 3 bedrooms plus a study which could be considered a bedroom therefore a maximum of 3no parking spaces would be required for each dwelling. The proposed driveway layout for both plots would be sufficient for 2-3 cars that could enter and egress the site in a safe and forward manner. An additional space would be provided in the garage which also meets the size requirements for enclosed parking spaces. Overall, the proposals would ensure minimum parking standards.

The County Highways Authority has not objected to the scheme subject to the submission of details regarding the new vehicular access and its subsequent approval at a later stage.

Planning balance

The principle of developing the residential scheme is acceptable at such location given the site is within the settlement boundary with previous outline permission.

The siting, external materials, and means of enclosures would be sympathetic with the neighbouring land uses and the semi-rural character of the area. The footprints of the dwellings would sit well within the plot. No undue harm would occur upon the amenity standards of adjacent neighbours. On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12, 14 and 15 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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

The application can be approved under delegated powers.