DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0093-23**	**Applicant:**	**Ms A Laws**
Proposal:	Demolition of existing buildings and erection of two 3 bed semi-detached houses with link garages		
Location:	The Old Mission Counter Drain Drove Tongue End		
Terminal Date:	29th May 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
10	Meeting Assessed Housing Requirements
17	Providing a Mix of Housing
28	The Natural Environment

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
Section 16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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	1	0
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking planning permission for the demolition of the existing buildings and the erection of two 3 bed semi-detached houses with link garages, to the site at The Old Mission, Counter Drain Drove, Tongue End, Spalding.

Site Description

The site is situated within the settlement boundary of Tongue End, according to Policy 1 in the South East Lincolnshire Local Plan, 2019.

The site is comprised of several outbuildings, an office and a workshop which are no longer visible from the main road due to the overgrown hedges and trees on site, including 3 TPO's.

To the north west of the site is a character detached property set back from the main road, with two TPO's to the front of the property.

History

H03-0773-19- OUTLINE- Approved on 01-10-19- Demolition of existing buildings and erection of pair of three bed semi-detached houses with linked garages.

H03-0764-90- FULL- 20-09-90- Change of use to dwelling.

Consultation Responses

Public Comments (3 objections)

- Concerns over impact on local wildlife
- Barn owl in residence in the immediate area.
- Owls have been found using the buildings for nesting and testing.
- Nesting cranes from the nearby Willow Tree Fen nature reserve have been witnessed visiting very close to this site
- Concerns due to the nature of the area and the conservation already ongoing next door to the proposed site.
- The construction traffic would also be detrimental to the area and the site entrance would cause increased traffic and blockages to an already deteriorating road. Heavy plant traffic would also cause issues to residents in and out as there are no alternative routes.
- The increased light pollution would also affect wildlife in the area proposed. We already have barn owls among other species nesting on the nature conservation area next door which would be displaced.
- This development could also put a strain on the existing historical school house next door.
- Application states that current unit is not vacant which it is.
- Bats living in unused properties on the site. No survey provided in this application.
- Overlooking to neighbouring property and reduce light and natural daylight to neighbouring amenity.
- Privacy will be impacted.
- No consideration to the neighbouring field into a nature/wildlife area and would have a detriment affect on the adjacent area.
- Asbestos materials on the current buildings.

- No consideration towards the old chapel that was located on that site.

Welland & Deepings IDB

Note that this application is only at the outline stage and that the proposed dwellings are set approximately twenty metres or more back away from Counter Drain Drove.

However, it is worth noting in case there are any future alterations proposed that the site is bound along the roadside at the frontage of the plots by the Board's Delph Drain. This drain is afforded the protection of a nine metre byelaw distance so anything outside of this is okay, but if anything were to be proposed inside of this distance in the future then the Board would object. Note that surface water is to be disposed of via soakaways which is good to see. Although, if this should change for any reason in the future, then I would wish to be reconsulted at the time. Foul water provisions should be confirmed to the Board.

Environmental Protection Officer

No comments.

Trees and Nature Conservation Officer

Obvious conflict with access and preserved trees. Proposed driveway to serve dwellings very close to tree trunks and under canopy spreads of all three preserved trees, particularly near the trunk of the tree indicated on the plan accompanying the Application as T39. As indicated in the tree report a no-dig, porous driveway construction will
require to be designed if it is intended to grant permission. Some pruning of branches from the access will be inevitable.

Local Highway and Lead Local Flood Authority

No objection.

This is an Outline Application with all matters reserved for later approval. The site is 'Brownfield' having had a previous use as a telephone exchange and I believe it has had a previous Consent for residential use. The submitted proposal indicates that the existing vehicular access to the site would be utilised to provide access to both of the proposed dwellings.

Counter Drain Drove here is straight and there is suitable visibility for safe egress out of the site onto the public highway. Although there is no existing footway to provide pedestrian access to the proposed dwellings, there are other existing properties in the vicinity of the site and therefore it would not be unexpected for drivers to encounter pedestrians sharing the use of the carriageway.

In view of the above and 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 and therefore does not wish to object to this planning application.

Planning Considerations

Principle

The site lies within Tongue End's Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres and Settlements, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill.

Character and Appearance

Policies 2 and 3 of the 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

The proposed dwellings will be set back from the main road of Counter Drain Drove. The two storey dwellings will be attached via the single garages. As the proposed elevations are indicative, it does show that two dwellings are able to be accommodated on this site. However, the proposed design of the two 3 bed dwellings would need to be revised at a Reserved Matters stage.

In light of the above, the proposal is considered to comply with Policies 2 and 3 in the SELLP, 2019 in terms of character and appearance (as far as it can be assessed at outline stage).

Residential Amenity

Paragraph 127 of the National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Taking into account the indicative details of the proposals, it is considered that two dwellings could be accommodated on the site whilst maintaining a satisfactory relationship between the proposed plot and the existing immediate dwelling.

The dwellings could be sufficiently spaced out and would benefit from a reasonable sized garden to the rear of the dwelling. Public comments have raised concerns over overlooking aspects. However, the proposals are in its outline form and further details should be considered at reserved matters stage to conclude the extent to which the scheme would ensure good levels of amenity.

Flood Risk and Drainage

The 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 South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, 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 Section 14 of the NPPF.

The majority of the site is located within Environment Agency Flood Zone 3 and a small part near the road is within Flood Zone 1 and therefore, a sequential test should be undertaken.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates that the site is not situated in a hazard area.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Pinchbeck. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

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.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

Setting finished floor levels at 300mm above existing ground level would mitigate against the risk identified and should ensure that the development is safe for its lifetime. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of surface water and foul drainage, this is yet to be confirmed and will be conditioned to confirm this at the Reserved Matters stage.

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.

Highway Safety and Parking Provision

The County Highway Authority has been consulted and no objection has been raised to the principle of developing both dwellings at such a location. However, the proposal is in its outline form with all matters reserved, therefore specific access details are not available at this stage.

The means of access at this stage shows that it will be accessed via the main road of Counter drain Drove. It is not considered to raise any objection in terms of highway safety from the Local Highway Authority at this stage and is therefore, considered acceptable.

In terms of parking provision, the proposal should comply with the minimum parking standards set out in Appendix 6 of the SELLP, 2019. No details have been submitted in this regard considering the outline form of the development. In principle, good design standards would be able to accommodate sufficient cars without encouraging on-street parking on the public highway. The size of the plot is acceptable and there is room to make appropriate car parking provision.

Planning Balance

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 application site lies within the settlement boundary for Tongue End and the principle of residential development in this location is acceptable. Whilst this is an outline application with all matters reserved, it is considered that a scheme could be developed that would not materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and an acceptable level of parking provision would appear capable of being achieved. Flood risk matters are considered to have been appropriately addressed at this stage, with surface water and foul drainage yet to be confirmed.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

Conclusion

Based on the reasons outlined above, the recommendation is therefore for a 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.