DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-1120-23**	**Applicant:**	**Mr Oxbury**
Proposal:	Erection of two dwellings including demolition of existing outbuildings		
Location:	Adj. 44 Chappell Road Deeping St Nicholas Spalding		
Terminal Date:	27th February 2024		

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 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
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 application seeking permission for the erection of two dwelling including the demolition of existing outbuildings on land adjacent to 44 Chappell Road, Deeping St Nicholas.

Site Description

The site is located within the defined settlement boundaries of Deeping St Nicholas as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). No. 44 is made from red bricks with a tiled roof and white uPVC windows and doors this is a common design for dwellings in the immediate area. It has outbuildings to the north of the site with a drain running through the site.

History

No relevant planning history.

Consultation Responses

Deeping St Nicholas Parish Council

Objections - Previous new builds in this area have been compelled to imitate the existing style of others in the road, which these do not. The exits from both plots are close to a junction which already sees its fair share of near misses.

Welland & Deepings Internal Drainage Board

The development proposes a loss of approximately 22 metres of private open watercourse. An environmental survey and an application for consent to alter a watercourse would need to be submitted to the Board in advance of works commencing on site. Any application is subject to the agreement of technical details and may or may not be granted. Current proposals show part of Plot 2 being sited directly over the proposed piped watercourse. The Board have grave concerns with this being the case and the potential building being placed over the pipeline and the risk of collapse. Either South Holland District Council building control department or an equivalent approved inspector should be consulted on this design prior to the proposals reaching a construction stage.

The suitability of proposed soakaways for this site would also need to be demonstrated to South Holland District Council building control department or an approved inspector, especially considering the number of plots for the site including the existing property. If at any point it is decided that soakaways will not be used, then I would wish to be re-consulted at the time.

Potential future homeowners of the two plots would need to be made aware via their deeds as to the location of the proposed pipeline and their maintenance obligations in perpetuity. This information should be passed on to each subsequent homeowner.

Lincolnshire County Council Highways

Initially requested additional information due to there being no mentioned of the drain that front the North-eastern boundary where the access is proposed. Permission should be sought from the IDB to pipe this drain. The existing access that is proposed to serve the host dwelling and plot 2 needs to measure a minimum of 4.1m wide - this should be detailed on the proposed site plan. Amended

plans were received to show this and new comments state that -

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.

Comments:

The proposal is for the erection of two dwellings including demolition of the existing outbuildings. There is a watercourse fronting the two plots on New Road and the parking spaces for plot 1 are detailed as being over the watercourse. Approval is to be sought from Welland and Deepings Internal Drainage Board in respect of this. The drain is located in
private land not on the public highway. The parking proposed for the host dwelling and the two plots is acceptable. The access is to be constructed to Lincolnshire County Council Specification. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory
planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Informative

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a
current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Highway Informative 08

Please contact the Lincolnshire County Council Street works and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

South Holland District Council Environmental Protection

No comment regarding land contamination.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, three letters of representation have been received and are summarised as follows -

- Concerns regarding loss of privacy
- The added traffic on rural roads is not acceptable
- Concerns surrounding the surface water from the road, if the drain were to be covered the water

will have nowhere to go. If this is not correctly dealt with the water will flood properties
- Plot 2 is within 2m of New Road, there is no pedestrian path on this side of the road so the building will be close to traffic that turn into this sharp turning
- The front of the house and foundation would be along the middle of the current drainage ditch
- Will severely impact visibility at the junction of Chappell Road and New Road, plot 2 is at road level and not within the building line of current properties on either road
- Plans also suggests 2m fencing which will further impact visibility
- Increased potential for accidents to motorists and pedestrian
- Drains are already at full capacity in this area
- The plan displayed does not correspond with the images submitted, showing plot 2 much closer to the junction
- One bungalow on the side would be more in keeping with the size of the plot, adjoining properties and the location, resulting in less impact on the shared drainage

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan 2019 sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan 2019 sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 2019 indicates that within Other Service Centres, 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. This policy goes on to detail that development within Other Service Centres will normally be limited to Allocated and Committed sites and infill.

The application site in this instance is within Deeping St Nicholas, a Minor Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In this context, the principle of residential development within this location would typically be considered appropriate, where development comprises infill development or that on allocated/ committed sites.

Whilst it is noted that the site lies within the defined settlement boundaries, Policy 1 identifies that within Minor Service Centres development would 'normally' be limited to infill development. Although this does not specifically identify that all development proposal's within 'Main Service Centres' must be infill, committed or allocated sites, this is consideration of the policy. In this context, development that is not considered infill development or on committed/ allocated site, should typically be limited

to those that have a justifiable reason to be located in such sites.

In this instance, whilst the development is not on committed or allocated land it is to be classed as infill as it is seeking to infill a 'gap' within an otherwise built-up area.

The character of residential development within the immediate surrounding area is clearly linear in form, with residential properties sited as such to be immediately fronting the highway, albeit with slight variations in respect of separation distances and with front curtilages.

Whilst the linear form is not mentioned within this section of Policy 1 unlike 'Other Service Centres', it is of typical character within this area. As such, in a settlement in which development of sites a normally limited to allocated and committed sites and infill the use of infill development whilst being linear is considered to be an appropriate form of development and as such, the proposal is considered to be in accordance with the requirements of Policy 1 of the SELLP when viewed in principle.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The eaves of the dwellings shall be 3500mm with the total height being 7500mm from ground level, due to the design of the dwellings have a slight inset there is a lower section for the eaves sitting at 2500mm. The rear length will be around 9000mm and a total length of around 8900mm to the front which is split into 6000mm, 2000mm and 900mm. The width on one side will be 7500mm and the opposite side will be 6500mm, the first floor is slightly different due to the design and is 9000mm by 7600mm. These measurements are considered to be acceptable and will be of a similar size to other properties nearby and are therefore considered to be proportionate. It is important to note however that the dwellings will appear to be a cramped form of development and significantly reduce the amenity space of the existing dwelling and does not propose a large area for the new dwellings, most notably Plot 2 only has an amenity space of 64sqm with the plot size making both appear cramped and out of place. Due to this the proposal does not appear to be in accordance

with Policies 2 and 3 of the SELLP and Paragraph 135 of the NPPF in regards to the size in comparison to the plot and should be refused for this reason.

The layout for both dwellings are identical and are as follows: the entrance hall has the WC, store and stairs adjacent whilst providing access to other rooms on this floor. The living room is to be located at the front with a large window that is top to bottom providing natural light into the room, to the rear of this there is an open plan snug and kitchen with a set of bi-fold doors to provide access to the garden and allow for light into this large living space. On the first floor the landing leads to all bedrooms and shared bathroom with Bedroom 1 having an en-suite. The proposed layout provides adequate space internally for residents.

The walls of the proposed dwellings will be red brickwork with grey roof tiles, they shall also feature a timber cladding made from Western Red Cedar to be laid vertically on the part of the front elevation. The windows will be aluminium in dark grey with the bi-fold doors being the same material, finally, the other doors will be composite. The dormer style windows will be made from lead cladding in a natural colour and the rain water goods will be uPVC in anthracite grey. Finally, the design of the dwellings incorporate gable roofs with two dormer style windows on the front and one to the rear. The design albeit in a different location could be more suitable, however in this area proposed the modern design appears to be somewhat out of character and incongruous with the street scene it is located in. If a more suitable design were to be proposed it could potentially be looked at in a more positive manner

Taking account of the matters above, in respect of the design it is considered to be acceptable with the materials and design matching existing properties in the immediate area and this would not harm the street scene. However, the scale and size does not accord with Policies 2 and 3 of the SELLP and Paragraph 135 of the NPPF due to it appearing cramped and out of character for the existing plot and both new plots following the reduction in plot size and amenity space. This would cause adverse impacts to the character and appearance and is therefore unacceptable and should be refused for this reason.

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Due to the positioning of the plots despite the distances between side boundaries there should no material overshadowing that will occur on the nearby residential properties. Any shadow that could be cast would be onto the public highway to the north east and to the west any shadow would be on the rear most section of 'Focke Shambles' amenity area some 30m away from the main dwelling. From this, it is considered that there will be no material or significant loss of light and is therefore acceptable.

However, there is considered to be the potential for a loss of privacy from rear windows overlooking into amenity spaces. Plot 1 has a window to the rear for a bedroom and this window will have a clear view into the amenity area for the existing No. 44 Chappell Road, on a similar note Plot 1's rear window could provide a view into the front elevation windows of 44 Chappell Road. Whilst there are trees in the rear gardens they are located adjacent to the rear first floor windows and therefore provide no covering for these aforementioned private spaces/ rooms and therefore due to this view it will provide the development is considered to be harmful and unacceptable and will cause a loss of privacy to amenity space and windows for habitable rooms, the scheme conflicts with Policies 2 and 3 and should therefore refused.

As detailed above, the scale and design of the proposal would not cause any overshadowing issues where as the location of the rear window is considered to cause significant and unacceptable impact on the residential amenities for 44 Chappell Road to the rear of the site. As such, the proposal is considered to conflict with the provisions of Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan due to the loss of privacy it will cause.

Flood Risk and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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.

These 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 East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 2 of the Environment Agency's Flood Maps. The latter 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. However, the maps are broad brush and do not take into account any flood defences. 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 SFRA indicates that the site is within an area identified as no danger. Despite this, due to the site being within Flood Zone 2 and classed as a 'More Vulnerable' development a Flood Risk Assessment has been submitted with reference to the Sequential and Exception Test. Within the provided FRA the flood risk sources have been identified as being the main river, watercourses, tidal, pluvial, groundwater and sewers - it is however noted that the risk of flooding from these identified sources is low therefore the site faces minimal risk of flooding. Furthermore, no additional flood mitigation is proposed in this instance as the report demonstrates that 'the proposed development is not at a significant flood risk, and will not increase flood risk to other, subject to the recommended flood mitigation strategies being implemented' as it is not considered to increase flood risk to other it is considered to pass the sequential and exception test.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of the National Planning Policy Framework 2023 in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network

would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms.

The development proposes the erection of two dwellings both with three bedrooms, as such there must be at least two spaces for vehicles. From the plans included it is apparent that the development has acceptable parking as Plot 1 features two spaces to the front and Plot 2 features two along the side with the existing No. 44 also having two spaces for parking. Whilst there is no area to turn around LCC highways have raised no objections to the scheme stating that 'The parking proposed for the host dwelling and the two plots is acceptable. The access is to be constructed to Lincolnshire County Council Specification. The proposal will not have an adverse impact on the public highway'. Despite concerns raised from residents surrounding highway safety as LCC Highways have no objections to the scheme it is considered to be acceptable on highway terms.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development inside the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality due to it being a cramped form of development, as well as the amenity of nearby residents due to overlooking concerns. It does however provides adequate parking.

In this instance, there are significant material considerations that weigh against the proposal and as such, the planning balance is against the favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 4, 36 and Appendix 6 of the SELLP, along with the identified sections contained within the NPPF. It is however, in direct conflict with Policies 2 and 3 of the SELLP along with Section 12 of the NPPF, these are significant factors that indicate against the proposal and outweigh the consideration against the scheme and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.