

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H14-0298-20	Applicant:	Mr & Mrs Woodfield
Proposal:	Erection of Dwelling - Plot 2		
Location:	Rear Of 25 Market Way Pinchbeck Spalding		
Terminal Date:	4th October 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks outline permission for erection of dwelling (Plot 2) at land to the rear of 25 Market Way, Pinchbeck, Spalding.

Outline permission had been previously granted for two plots under application ref. H14-0058-17. Plot 1 is currently developed after obtaining reserved matters approval (H14-0031-18 and H14-1248-18).

The aim of this current application is to gain a new outline permission solely for Plot 2.

Site Description

The area is characterised by residential development. The site is clearly within the suburbs area of the historic village of Pinchbeck. Detached two-storey dwellinghouses is the prevailing housing type in the surroundings.

Whereas Plot 1 physically abuts the curtilages of several properties in Burma Avenue, Plot 2 is visibly further related to the property at 25 Market Way. Both plots are accessed from the cul-de-sac street end of Burma Avenue.

History

H14-0058-17 - Outline - Residential development - erection of two dwellings - Approved

Consultation Responses

SHDC Environmental Protection

No objection.

It is reminded to submit investigation and risk assessment as well as a remediation scheme if necessary in case of unexpected event of contamination.

LCC Highways/SUDS Authority

No objection.

It is requested to make the applicant aware of the requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

Planning Considerations

Principle of development

The principle of development has been already established in previous application H14-0058-17, which was approved. However, this needs to be reviewed in accordance with the latest national and local planning policies.

The site is within the settlement boundary for Pinchbeck as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of SELLP sets out the spatial strategy for new development across the district. Pinchbeck is classed as a 'Main Service Centre' within the settlement hierarchy. As such, development in these settlements 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. In other words, the overriding consideration is to ascertain whether the

principle of development is acceptable or not on the basis of sustainable development. The assessment will be made against each dimension of sustainable development set out in Paragraph 8 of the National Planning Policy Framework (2019) as follows:

Economic - The proposal would entail employment opportunities albeit in small scale to building constructors and material suppliers during the construction of the house. The provision of one dwelling would have very small impact on the local shops and other services in the village.

Social - The council is capable of demonstrating a 5-year housing land supply (9.1 years under the Liverpool method at 31st March 2020). The proposal therefore has no merit to the social need for further housing given that sufficiency has been achieved in this respect. Notwithstanding this, Pinchbeck is one of the Main Service Centre with several services and facilities in the historic town. There is a public house, convenience store, primary school, post office, pharmacy, library and further shops. The future occupiers of the dwelling will have access to them within an approximately 20 minute walk. There is availability of footpaths between the site and the town centre of Pinchbeck. Cycling is a fairly convenient mode of transport in view of the residential and quiet streets of the area albeit the absence of cycle lanes along the journey. The reliance on the private motor vehicle will be far less likely than a dwelling in a remote location on the countryside.

Environmental - The proposed plot development will be within part of the existing private garden of 25 Market Way. By reason of the curtilage size and proximity of adjacent dwellings, the proposal in principle will not cause harm to the character of the local area should be appropriately designed. Likewise, the residential scheme will be feasible if adequately ensuring the life of TPO trees near the site access and addressing flood risk impact on the site and nearby.

It is deemed on balance that the proposed dwelling will meet the wider sustainability objectives and therefore achieve sustainable development.

Flood risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. This map has 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 flood predictions do not take into account any flood defences.

Paragraph 157 of NPPF (2019) sets out that any development proposal should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change- so as to avoid, where possible, flood risk to people and property.

The sequential test is aimed to steer new development to areas with the lowest risk of flooding and the strategic flood risk assessment will provide the basis for applying this test (Paragraph 158 of NPPF, 2019). In this case, The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) applies and indicates that the flood hazard on the site is an area designated as "Danger for Most". 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 not the most severe category.

If it is not possible to locate the development within an area of lower flood risk, the exception test should be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance (Paragraph 159 of NPPF). In accordance with such policy documents, proposals for dwelling houses are designated "more vulnerable" to flood risk and an exception test should be applied if located within Flood Zone 3 as per Environment Agency's Flood Map for Planning. The development hereby proposed accords with that and therefore the exception test should be applied.

According to Paragraph 162 of NPPF (2019) for the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without

increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In terms of the first element, the proposal scores positively against the three interdependent dimensions of sustainable development (see above section of principle of development). Therefore, the proposed development would provide wider sustainability benefits to the community that outweigh flood risk.

In terms of the second element, the predicted flood depths on the site will range between 0.25 and 0.5 metres in accordance with South East Lincolnshire SFRA (March 2017). The Standing Advice contained in the SFRA states that under such conditions finished floor levels of a dwelling must be set at least 500mm above ground level with flood resilient construction to a height 300mm above the predicted flood depth.

The Flood Risk Assessment of the previous outline H14-0058-17 has been re-submitted with this application. The proposed mitigation measures are finished floor levels should be at least of 4.1m AOD for a single-storey dwelling and 3.80m AOD/650 mm above the existing ground levels for a two-storey dwelling. Flood resistant/resilient constructions should be incorporated to 300mm above the finished floor level. These measures will comply with the minimum requirements set out in the SFRA Standing Advice. Further assessment should be carried out on site topography but in principle the dwelling will be acceptable and the proposed measures will be adequate to address flood risk.

Having regarded to the considerations above, it is confirmed that both sequential and exception tests are satisfactorily passed and the proposed scheme in its outline form is considered to be acceptable in terms of flood risk. Consequently, it is recommended to grant permission subject to a condition to comply with the FRA recommended measures.

Design and layout

This material consideration will be exhaustively taken into account when approval be sought for full planning permission or reserved matters at a later stage.

No dwelling footprint has been marked on the proposed block plan although the size of the proposed land is sufficient to accommodate a dwelling and associated spaces such as driveway and domestic garden. After developing the proposed plot, the residents of 25 Market Way will still enjoy considerable outdoor space as a private garden.

Therefore, the proposal in its outline form complies with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 on the grounds of design, layout and character of the local area.

Residential amenity

This is another key consideration to be fully assessed in a subsequent application. In principle, it is considered that a dwelling could be accommodated upon the site without materially harming the amenity of nearby residents.

It is unknown the height of the dwelling but the nearest separation distance will be 15.5 metres between the proposed plot boundary and the rear elevation of 25 Market Way. The plot is large enough to ensure that any dwelling can be sited away from the boundary so as to ensure suitable separation distances to prevent unacceptable overlooking.

Given the flat topography of the land on the site and in its immediacy, raising the finished floor levels of the dwelling as proposed will not create any overbearing impact upon the adjacent plots.

The two-storey dwellinghouse in Plot 1 has been already constructed and provides a reference to ascertain how overbearing the dwelling in Plot 2 would appear in relation to the adjacent properties. In any case, further assessment on site topography should be ideally carried out and reviews at a later stage.

Whilst it is appreciated that there may be some disturbance during the construction phase it would only be temporary. Plot 1 has been already developed and no other development have been recently approved in the vicinity. Thus, no cumulative impact will be expected in terms of noise and

disturbance during the construction of the proposal.

In summary, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Highway safety

The width of the nearest point of the cul-de-sac street end is 4.1 metres which is the minimum required for a site access serving up to 5 dwellings according to the County Highways Authority.

The access will be shared with Plot 1. The details of the site layout submitted so far indicate that motor vehicles in principle will pass easily through it. Sufficient space for car parking is anticipated within the site.

County Highways Authority has raised no objection since access and layout is a reserved matter which will be address at a later stage. The principle of creating a shared access at this location is acceptable.

In general, the proposal will not cause any significant harm upon highways safety and car parking provision and be in accordance with Policy 2 and 3 of SELLP (2019).

Conclusion

The principle of development for the residential scheme at the proposed location will be acceptable. The development on balance will achieve sustainable development upon its three interdependent dimensions. The impact upon the character of the area will not be harmful. It is expected that the grant of outline permission will not undermine the residential amenity neither highways safety standards providing that further details are approved at a later stage. The development is considered to be acceptable on the grounds of flood risk.

Taking into account the mentioned above, the proposed development complies with Policies 1, 2, 3, 4, 10, 11 of South East Lincolnshire Local Plan (2019) and Sections 5, 12 and 14 of the National Planning Policy Framework (2019).

It is accordingly 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.