DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0401-23**	**Applicant:**	**Mr A Jones**
Proposal:	Proposed single storey dwelling with amended access		
Location:	Rear Of 174 Spalding Road Pinchbeck Spalding		
Terminal Date:	4th July 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
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Section 2. Achieving sustainable development
Section 4. Decision-making
Section 5. Delivering a sufficient supply of homes
Section 8. Promoting healthy and safe communities
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
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed residential dwelling on garden land to the rear of No.174 Spalding Road in Pinchbeck. This proposal seeks to provide a single storey dwelling comprising two bedrooms, a main bathroom, a living/kitchen/dinning room, along with a utility room and a wc. Proposed materials of construction are Northcot Bricks Ltd in Silver Grey, light green composite cladding with Russell Roof Tiles Ltd in galloway slate grey. The door and window frames will be mid green UPVC. Finished floor levels are to be set at a minimum of 300mm above the existing ground level on site.

Site Description

The application site lies to the eastern side of Spalding Road, Pinchbeck and consists of residential garden. The site is accessed via Spalding Road, using the existing access for No.174. To the south of the plot is Duncan & Toplis, to the southeast is Roythornes Solicitors, to the north is the rear garden of No.172 and to the west is No.174.

The site lies within the defined settlement boundary of the area, which is characterised by residential properties of varying ages, scales and designs. The site also lies within Flood Zone 3.

History

No relevant planning history.

Consultation Responses

Environmental Protection

No Observations

LCC Highways/SUDS

No objection:

The proposed additional dwelling would utilise the existing vehicular access and driveway of the host dwelling. Following the completion of the accommodation works for the northern end of the Spalding Western Relief, this property is now accessed from what has become a cul-de-sac service road serving a small number of properties, the residents of which previously had to get into and out of their homes from the much busier through road. The vehicle movements associated with the proposed new dwell can therefore easily be accommodated on this much less trafficked part of the highway network. 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.

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 above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development

The SELLP 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; 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 SELLP 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 sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP indicates that within Main 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.

The National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Pinchbeck and lies within the defined settlement boundaries. In the context of this, the principle of residential development within this location is considered to be of an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers and impact on highway safety, which are discussed in turn as follows.

Layout, Design and Appearance

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Specifically, paragraph 130 of the 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; and 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 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 layout comprises an arrangement that would take up garden land; albeit the resultant garden space for No.174 Spalding Road would look to replicate the existing scale of gardens associated with No.160-No.170 Spalding Road.

The proposal forms backland development, providing one detached dwelling within a relatively stepped layout expanding from the highway of Spalding Road, forming development that would typically be considered out of character with the prevailing linear form of development within this part of Pinchbeck. However, in this instance, the land subject to this application has been included within the settlement boundary for Pinchbeck. This therefore forms a material consideration.

Taking into the consideration the development that is currently under construction to the rear of No.160-No.107; it is considered that the layout and design of the proposal would not result in an unacceptable form of development that would adversely impact upon the character or appearance of the area to an unacceptable degree.

The garden to serve the proposed dwelling, whilst not being of the size of the immediately neighbouring properties that exist along Spalding Road, would be of a reasonable size, being adequate for the enjoyment of future occupiers. whilst remaining appropriate in respect of the surrounding character.

Furthermore, the access proposed is utilising the existing access for No.174 running along the southernly side of the site. This access is considered to be suitable as to not cause an unacceptable impact.

Finished floor levels would only need to be raised by 300mm as flood risk mitigation, which would have a minimal impact on design/appearance.

Taking the proposals design, scale and nature into account, as detailed above, the proposed development is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and section 12 of the National Planning policy Framework.

Highway Safety and Parking

Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 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.

The highway in which the site would gain access, Spalding Road, is relatively straight and predominantly residential in nature, with a footpath on both sides of the carriage way at the point of the application sites access.

Given that the access would be utilised by the occupants of the dwelling and their visitors, the volume of traffic is not considered to be significant. Likewise, the resultant development is not considered to result in a significant mark rise in vehicular traffic, albeit this would introduce additional traffic. The vehicular access or subsequent pedestrian access, along with movements to, from or nearby to the sites, is not considered to cause detrimental harm to vehicular or pedestrian safety to this part of Spalding Road.

Lincolnshire County Council Highways/SuDS, as Local Highway Authority, were consulted as part of the application process. No objections were raised, stating that "The proposed additional dwelling would utilise the existing vehicular access and driveway of the host dwelling. Following the completion of the accommodation works for the northern end of the Spalding Western Relief, this property is now accessed from what has become a cul-de-sac service road serving a small number of properties. The vehicle movements associated with the proposed new dwell can therefore easily be accommodated on this much less trafficked part of the highway network."

Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. The dwelling has adequate provision for parking. It is considered that, overall, the development has more than adequate parking is shown within the curtilage of the dwelling.

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

Refuse Collection

Normally a carrying distance of over 30 metres to a collection point is not acceptable, as it exceeds the usual Building Control guidance and is an indicator of poor design. However due to the nature of this site and restricted width of the site as it passes the host dwelling, it is not considered on this occasion that it would be reasonable to insist upon an adopted highway or for a private refuse collection scheme to be put in place. The development is limited to one dwelling and the provision of a collection point on this occasion is not considered to result in a visually unacceptable development when viewed from the public realm.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021 in this regard.

Impact of neighbouring Residents/Land Users

Paragraph 130 of the National Planning Policy Framework (2021) 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.

The proposed development proposes a layout that would ensure adequate separation distances to neighbouring properties. The proposed development is considered to form an appropriate design as to minimise the potential for overlooking to the existing neighbouring dwellings being of single storey.

Furthermore, the dwellings within the surrounding context also benefit from sizeable amenity spaces. The resultant garden space serving No.174 would be reduced; however, the resultant garden would remain adequate in scale. These garden spaces to neighbouring properties, whilst potentially being impacted to a minimal degree of overlooking which could be afforded to the ends

of gardens, it is considered that sufficient private amenity space will be retained by adjoining occupiers, and the development would not result in overlooking or loss of privacy or amenity that would otherwise warrant refusal of planning permission.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties; and as such accords with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Flooding Considerations

The site is within Flood Zone 3 of the Environment Agency's Flood Maps. They 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 East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

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". Para 162 details that "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.

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, where:
1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)", with 'minor development' in this instance taking the definition outlined within the NPPF and National Planning Practice Guidance in relation to flood matters.

The Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site being outside of low hazard area for the present day, whilst being in the low hazard area for 2116. The Residual Peak Depth Map for the 1% fluvial and 0.5% tidal shows that the site is outside of the area at risk in the present day, whilst the peak flood depth for 2116 is between 0.0m and 0.25m.

The application in this instance has been supported by a flood risk assessment. This assessment concludes that the "proposed development benefits from tidal defences on the River Welland that provide protection during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200 chance each year) tidal event including climate change". The report also concludes that "there is a residual risk associated with a breach of the defences. During the life of the development the maximum flood depth at the site is between 0.0m and 0.25m".

As such, mitigation has been proposed including finished floor levels being 0.3m above surrounding ground level and 0.3m of flood resilient construction above finished floor levels. These mitigation measures will be subject to a condition.

Based on the mitigation proposed, it is considered that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF 2021 in this regard.

Foul and Surface Water Drainage

The proposal indicates that surface water would be discharged to soakaways and the foul sewage would be connected to the existing mains connection on site.

Biodiversity

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

It is noted that a need for a 10% Biodiversity Net Gain is likely to be forthcoming within the near future; however, to date, this has not yet come into force.

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 proposal represents appropriate development within the settlement boundary of Pinchbeck. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking.

Taking the above considerations into account, the proposal is considered to comply with Policies 1, 2, 3, 4, 28 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, along with the identified sections contained within the National Planning Policy Framework (NPFF) 2021. The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

It is recommended that the application is approved conditionally.

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.