DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0403-23**	**Applicant:**	**Mr M Brady**
Proposal:	Proposed Dwelling - outline approval H14-1023-21		
Location:	Plot 2 Adj. 202 Spalding Road Pinchbeck Spalding		
Terminal Date:	20th 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
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
Section 16 - Conserving and enhancing the historic 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	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application for a detached dwelling with access on the land adjacent to 202 Spalding Road, Pinchbeck. The site has outline permission for one dwelling approved under application reference H14-1023-21. This original outline permission was for two dwellings; however, this application is for a single dwelling.

The proposed dwelling is a two-storey, four-bedroom property with integrated garage. The proposed dwelling would cove an approximate area of 97 metres squared, making is comparable in size to its neighbours. The proposed dwelling would measure approximately 15033mm (depth) by 6478mm (width). The dwelling would feature a pitched roof with two differing peak heights, with a consistent height to eaves of approximately 5000mm. The smaller roof is found on the front of the property, measuring approximately 7000mm to its peak. The height of the taller section, encompassing the majority of the house is approximately 8600mm.

It is proposed that the dwelling would be constructed of Vandersanden Flemish Antique brick, with Sandtoft Wienerberger Concrete roof tiles in red. Windows and doors are to be cream UPVC.

The separation distance between the proposed dwelling and the adjacent existing properties is minimal. There is a distance of approximately 2200mm from the wall of 202 Spalding Road and the start of the proposed dwelling.

Site Description

The site is located to the east of Spalding Road at the southern end of Pinchbeck. It includes a private access road, which already serves a number of existing low occupancy units and two larger detached houses. The land where the dwellings are proposed to be sited is garden land associated with 202 Spalding Road. To the south-east is a development of 72 dwellings, which is still under construction. Beyond that is the Johnson Community Hospital. To the north are frontage properties on Spalding Road and an area of grassed land off Enterprise Way, which is allocated for employment uses.

Relevant History

H14-0422-23 - Condition Compliance. Details of contamination of land or pollution of controlled waters, existing/proposed site levels, proposed floor levels, hard surfaced areas, garden/amenity areas, foul water disposal and refuse & recycling. (Conditions 5, 7, 9 and 10 of H14-1023-21). Ongoing.

H14-1023-21 - Outline. Residential Development - Erection of 2 Dwellings. Approved 23/12/21.

H14-0834-17 - Full. Construction of proposed single bedroom apartments. Approved 28-11-17.

Consultation Responses

Highway and Lead Local Flood Authority

"No objection: The principle of developing this land for residential use has been established by the grant of Outline Consent under reference H14-1023-21. The site is accessed by means of an existing private driveway and the details submitted in this Reserved Matters Application do not present any issues that would be expected to cause an unacceptable impact upon highway safety. Therefore, the highway authority does not wish to object to the grant of Consent for this Application."

SHDC Environmental Protection

"I request a standard contaminated land condition be applied at this location."

Planning Considerations

Principle of Development

Policy 1 of SELLP sets out the spatial strategy for new development across the district. As the site has already received outline permission, and has therefore passed the sustainable development test, the principle of development on the is the site is sound.

Layout, Design, Size and Scale

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, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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 materials (listed above) would be in keeping with the character of the area. Currently, there is a variety of materials within the immediate locale; however, there is a general preference of lighter bricks. As such, the pale Flemish Antique brick will appear well blended within the area. Red tiles are also fairly common within the area and as such would be in keeping with the character of the locale.

The general scale of development is comparable to nearby dwellings. The majority of dwellings in the area are two-storey and occupy a similar footprint to what is proposed here. As such the proposed scale of development would be in keeping with the character of the area.

The proposed design of the property would also be in keeping with the character of the area, with houses of similar appearance already present in the wider vicinity.

While the separation distances between the proposed dwelling and 202 Spalding Road are minimal, they are not less than those seen in the wider area. As such, the appearance of the two dwellings in close proximity would not appear incongruous.

As such the proposal conforms to Policy 2 of the SELLP in terms of bulk, scale and design.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The separation distance between the proposed dwelling and the existing property of 202 Spalding Road is minimal (approximately 2200mm). As such the proposed development would have an extremely close relationship with this existing dwelling.

Two windows within the proposed dwelling would look directly onto 202 Spalding Road. Due to the limited separation distance present, both windows would potentially offer clear views of the neighbouring property, even possibly offering views inside the property. However, both of these windows are within bathrooms and, as such, will be obscured, reducing the potential for overlooking. These windows could be controlled via conditions so that they may not open and must be obscured in order to reduce this overlooking concern further.

It is considered that proposal would lead to an unacceptable loss of light to 202 Spalding Road. There are four windows on 202 Spalding Road, all directly facing the proposed dwelling, each approximately 2 metres from the wall of the proposed dwelling. The minor separation distance means that the proposed dwelling would lead to a significant loss of light falling upon 202 Spalding Road. The windows on the ground floor are both living rooms, while the windows on the first floor are both bedrooms. As such the loss of light will be felt particularly harshly here, leading to a decrease in the quality of life of the occupants. This loss of light would directly contradict Policies 2 and 3 of the SELLP and Paragraph 130 of the NPPF, all of which ensure the amenity of existing

residents is protected.

Paragraph 8 of the NPPF outlines the social objective of development that must be met in order for a development to be considered sustainable. It is considered that, due to the potential loss of light, the proposed development represents unsustainable development, that would fail to enhance the health and well-being of the community.

It is therefore considered that proposal would have an unacceptable amenity impact. The proposal would lead to a significant loss of light to 202 Spalding Road, ultimately damaging the quality of life of any potential occupiers.

Flood Risk and Drainage

The issue of flood risk was dealt with at the outline stage. Within this reserved matters proposal, floor levels have been raised by 300mm to mitigate the potential impacts of flooding. It is considered that raising the floor levels by this quantity will be sufficient to protect the property from the impacts of flooding for the duration of its lifetime.

It is therefore considered that the proposal conforms to Policy 4 of the SELLP in terms of flood risk.

Highways and Parking

The proposed dwelling would contain four bedrooms. In line with Policy 36 and Appendix 6 of the SELLP, there is a requirement for three parking spaces. In this instance, one space is provided via the garage and two via the front parking bay. This arrangement is therefore acceptable.

The relevant consultee from the Highway Department has raised no objections to the proposal, stating that there will be no unacceptable impact upon highway safety.

The proposal therefore conforms to Policies 36 and Appendix 6 of the SELLP in terms of parking and highway safety.

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 principle of development on this site has been established under H14-1023-21. The siting and designs shown for Plot 2 within H14-1023-21 are fairly consistent with those provided in this new application. As such, it has been considered that the Officer's previous comments upon amenity impact and the relation between dwellings are still valid.

It is considered that the proposed design of the dwelling and the materials used would be in keeping with the character of the area. The proposal therefore conforms to Policy 2 of the SELLP and Section 12 of the NPPF in terms of design.

The proposed amenity impacts have been considered closely as part of this assessment, with a particular focus paid towards the potential overshadowing occurring on 202 Spalding Road. It is considered that the loss of light that will be felt by 202 Spalding Road is significant enough as to warrant a refusal. The loss of light to important living spaces will lead to a reduction in the quality of life of the occupiers 202 Spalding Road.

Issues surrounding drainage and flood risk have been comprehensively covered in both the outline application and the subsequent condition compliance application (H14-0422-23). The development is to be constructed inline with the approved flood risk assessment and Policy 4 of the Local Plan.

The proposed dwelling would have sufficient parking provision, without detrimentally impacting highway safety. The relevant consultee from the Highway department has raised no objections.

The comments of the Environmental Protection officer have been noted; however, the condition requested was already imposed on the outline application and is currently being addressed via a condition compliance application. As such, it is considered that there is not a demonstrable need for the condition to be applied to this application as well.

It is considered that, on balance, the proposal fails to conform to Policies 2 and 3 of the SELLP in terms of amenity impacts. As such, it is considered that the proposal represents a form of unsustainable development that would be to the detriment of the existing occupiers of 202 Spalding Road.

Conclusion

The recommendation is for delegated refusal.

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.