

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0450-22 **Applicant:** P N Holdings Ltd.

Proposal: Residential Development - Erection of Dwelling (re-submission of H14-0811-21)

Location: Adj. 47 Milestone Lane Pinchbeck Spalding

Terminal Date: 24th June 2022

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 2021**

- 11. Making effective use of land
- 12. Achieving well-designed places
- 12. 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	0	1

RESIDENTS	3	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

This is a full application, and a re-submission of the previous planning application H14-0811-21, seeking permission for residential development - erection of a dwelling - adjacent to no. 47 Milestone Lane, Pinchbeck. This application has now been changed to a single storey dwelling.

Site Description

The site is situated within the settlement boundary of Pinchbeck, according to the South East Lincolnshire Local Plan, 2019. The site forms part of the curtilage of a semi-detached dwelling (no. 47) located close to the corner of Milestone Lane and Bacons Lane. The site is mostly garden, but there is a detached garage and a driveway situated at the northern part of the site.

The surrounding dwellings to the north are mostly characterised as bungalows in a similar age and design, with a variety of dwelling types to the south.

History

H14-0730-21- Extension & Alterations- Appeal Allowed.

H14-0811-21- Residential Development - Erection of Dwelling- Refused.

Reasons for Refusal:

1) The proposed dwelling would constitute an unacceptable form of cramped development out of keeping with existing development in the area by virtue of existing residential development being sited within larger plots and the application site offering limited external space in comparison.

The impact is further exacerbated by the need to raise finished floor levels to 1.0m above existing ground level due to flood risk, which has been addressed by incorporating stepped access. This is at odds with the appearance of existing dwellings in the vicinity.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019). Policy 2 indicates that sustainable development considerations should be met, in terms of the size, scale, layout and design of the dwelling in regards to the impact upon the character and appearance of the area. Policy 3 indicates that design which is inappropriate to the local area or which fails to maximise character and quality of the area will not be acceptable. These policies are in accordance with Section 12 of the National Planning Policy Framework (2021), in particular the principle that new development should be "sympathetic to local character, including the surrounding built environment". It is also considered to be contrary to Section B2 of the National Design Guide which requires a site's context to be taken into consideration.

2) In the absence of a daylight/sunlight study, the Local Planning Authority is unable to determine whether the impact of the proposed development on the property immediately to the north of the application site would be acceptable.

Furthermore, the proposed boundary treatment to the sides and rear of the dwelling (1.8m closeboard fencing with 300mm trellis above) is not sufficient to prevent a material overlooking aspect of the garden to no. 47 Milestone Lane given the need to raise finished floor levels by 1m.

As such, the proposal is considered to be contrary to Policy 3 of the South East Lincolnshire Local Plan (2019) which requires development proposals to demonstrate that, amongst other matters, residential amenity will be secured.

Consultation Responses

Public comments

Public (4 objections, 1 comment, summarised):

- The proposed dwelling will have a negative impact on the amenity of other residents, by reason of noise, overlooking, overshadowing, smells, light, loss of daylight, privacy, dust, vibration
- Concern re parking and highway safety
- Not in keeping with existing development in vicinity, particularly due to being elevated
- Impact on value of properties in the area.
- Concern re potential for surface water to be displaced to neighbouring properties
- Recommendation for a planning condition requiring the installation of a minimum of 3 swift nest bricks to provide enhancement for biodiversity.

Welland & Deepings IDB

- Soakaways are proposed to be used for surface water disposal. These should be proven to South Holland District Council. If soakaways are not suitable for the site, I would wish to be reconsulted at that time.

Pinchbeck Parish Council

Objection on following grounds:

- Elements unchanged from previous planning application which was refused. Floor levels have had to be increased due to flood risk. There may be a reduction in sunlight/daylight on neighbouring property at number 47. Concerned that it seems as if trying to cram another property in between two already existing properties.

Sue Armour, Environmental Protection Officer

I request that either:

a)

i) Prior to the commencement of any development details of precautionary ground gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.

ii) Prior to the first occupation, a suitably detailed ground gas verification report shall be submitted and approved in writing by the Local Planning Authority.

OR

The standard land contamination conditions be applied at this location.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

- Policy/principle
- Character and appearance
- Flood risk
- Impact upon residential amenity

Policy/Principle

The site is inside Pinchbeck Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, including Pinchbeck, 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 proposal would be carried out on a plot between existing dwellings, therefore this development can be considered infill development. Furthermore, the intended dwelling could entail the arrival of new residents to Pinchbeck, or encourage existing residents of Pinchbeck to remain within the village, who would potentially use the services and facilities of the village, most of which are within a reasonable 1km walk of the site. Overall, it is deemed that the proposal would help sustain existing facilities in line with Policy 1 of SELLP. Therefore, the principle of development for the proposal on the application site would be acceptable.

Character and appearance

The proposed dwelling will measure approx. 9.8m in depth by approx. 7.7m in width. The overall depth of the site measures a maximum of 23.4m in depth and a overall width of approx. 10.8m. The northern side elevation of the proposed dwelling is approx. 5m away from the side elevation of the property at no.37 and approx. 4.1m to the side elevation to the property to the south.

Existing houses on this part of Milestone Lane (as well as Bacons Lane) are typically situated on larger plots than the application site (the narrowest currently being approx. 10m in width). It is considered that the proposed dwelling would appear visually cramped within the plot and would be at odds with the character of existing development in the locality. In terms of the design of the proposed dwelling, due to the predicted flood depths, there is stepped access in order to enter the dwelling which is not in keeping with the design of other dwellings in the vicinity.

The proposed materials for the dwelling are yet to be determined and a condition will be added if the application were to be recommended for approval.

Taking the above into account, the proposed dwelling is not considered to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale. The proposal is considered to be inappropriate to this location and would negatively impact upon the existing character of the area.

Flood risk

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 risk.

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 that would be accessible by more sustainable modes of transport, such as walking or cycling.

The site is within Flood Zone 3 within the Environment Agency Flood Maps. The South East Lincolnshire Strategic Flood Risk Assessment (2017), considers the residual risk associated with overtopping and a breach in the defences in 2115 and identifies that the maximum flood depth at the site is likely to be between 0.5m and 1.0m.

The flood risk standing advice that accompanies the SFRA states that in such circumstances finished floor levels of 1m above existing ground level are required to mitigate flood risk. The submitted flood risk assessment acknowledges this and recommends that floor levels are raised to this extent. The proposed development would therefore be safe for its lifetime.

Further information on surface water drainage is required. Therefore, a recommendation of a condition for surface water drainage details would be required if approved.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk.

Parking Provision and Highway Matters

Policy 36 of the South East Lincolnshire Local Plan, 2019 emphasises that all new development should comply with the local authority's parking standards and that parking should be integral within the design. Appendix 6 of the Local Plan sets out minimum parking standards and requires a minimum of 2 vehicle parking spaces for dwellings with 2 bedrooms.

The driveway to the front of the proposed dwelling is suitable to park a minimum of 2 cars. Therefore, the parking provision complies with the standards set out in Appendix 6 of the South East Lincolnshire Local Plan, 2019 for a 2 bedroom dwelling.

The surface of the driveway will consist of gravel and the driveway will be located from the existing access to the main road.

Comments have been received regarding overall concern of the highway safety of an additional driveway to a dangerous section of the road along Milestone Lane.

Local Highways request to show where residents of host dwelling would park their vehicles, once the garage is removed. See H14-0730-21 for the proposed car spaces for the host dwelling.

However, there have been no objections from the Local Highways in regards to highway safety and therefore the proposed additional parking provision is considered to comply with Policy 36 in the SELLP (2019).

Impacts upon Residential Amenity

Objections have been received regarding the impacts of the proposal upon residential amenity of the surrounding neighbouring dwellings. A proposed entrance door is situated on north elevation at ground level towards the side elevation of no.37 Milestone Lane. The rear elevation will be approx. 11.8m away from the obscure glazed window to the first floor of no.5 Bacons Lane. Although this separation distance is much less than the preferred 21m separation distance between facing windows, the existing window to no. 5 does not serve a room classed as habitable space in planning terms and is obscured glazed. An obscure glazed window is proposed to the family bathroom which are not considered to be a habitable rooms and would therefore not create a material overlooking impact.

Concerns have also been raised regarding overshadowing. Given that further evidence has been provided that the proposed dwelling would not have an adverse impact on daylight/sunlight levels to the property to the north, the Local Planning Authority is unable to determine whether the impact of the proposed development on this property would be acceptable.

The proposed boundary treatment to the sides and rear of the dwelling is 2m closeboard fencing with 500mm trellis above. Given the need to raise finished floor levels by 1m, this would be sufficiently high enough to prevent overlooking from the side facing ground floor windows to the neighbouring garden. The bottom half of these windows would be below the trellis, however, there

are no side facing windows that would be a material overlooking to the neighbouring garden (utility room classed as a non-habitable space).

Taking the above into account, the proposed dwelling is not deemed to comply with Policy 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Planning Balance

The principle of residential development on the application site is acceptable when assessed against Policy 1 of the Local Plan. However, the proposed dwelling would appear cramped within the plot in comparison to existing development in the vicinity which is set out within larger plots.

In light of the above considerations the proposal is considered to be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 of the National Planning Policy Framework (NPPF), 2021. It is also considered to be contrary to Sections B2 and I1 of the National Design Guide which require a site's context to be taken into consideration and states that new development should consider the scale and form of the dwelling respectively.

Conclusion

The recommendation is therefore for a 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 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 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.