DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0570-23**	**Applicant:**	**Mr & Mrs S Woodfield**
Proposal:	Erection of Dwelling - Plot 2 - resubmission of H14-0298-20		
Location:	Rear Of 25 Market Way Pinchbeck Spalding		
Terminal Date:	21st September 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

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	2	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline with all matters reserved application for the erection of a dwelling on garden land at Plot 2, on land to the rear of 25 Market Way, Pinchbeck. This application is a resubmission of previously approved application H14-0298-20. Outline permission had been previously granted for two plots under application ref. H14-0058-17. Plot 1 is now developed after obtaining reserved matters approval (H14-0031-18 and H14-1248-18). All matters related to the design, siting, drainage, landscaping and access of Plot 2 would be assessed at the reserved matters stage.

SITE DESCRIPTION

The site is within the defined settlement limits of Pinchbeck. The area is characterised by residential development. Detached two-storey dwellings are the prevailing housing type in the vicinity. Whereas Plot 1 physically abuts the curtilages of several properties in Burma Avenue, Plot 2 is more closely related to the property at 25 Market Way. Both plots are accessed from the cul-de-sac street end of Burma Avenue. The proposal site is located in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H14-0058-17

Outline - Residential development - erection of two dwellings - Approved - 20 June 2017.

H14-0015-18

TPO Tree Works - Works to Pinchbeck TPO No. 15, 2017 - Approved - 02 March 2018.

H14-0031-18 - Plot 1

Reserved Matters - Erection of dwelling - approved under outline permission H14-0058-17. Details relating to contamination and trees - Approved - 29 March 2018.

H14-1248-18 - Plot 1

Reserved Matters - Erection of dwelling - outline approval H14-0058-17 - Approved - 05 March 2019.

H14-0298-20

Outline - Erection of Dwelling - Plot 2 - Approved - 16 September 2020.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS

No objections.

South Holland District Council - Environmental Protection

No comments

Pinchbeck Parish Council

"Legitimate infill."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of development
Flood risk / site levels
Character / appearance
Amenity
Housing need
Parking / highway safety
Trees on site

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 September 2023) 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.

Principle

Policy 1 of the SELLP directs developments to the most sustainable locations. As Pinchbeck is defined as a main service centre, it is therefore deemed to be a sustainable location for development. The proposal site is within an established residential area and will help to supporting existing facilities in the settlement.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed 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 parking provision which are discussed in turn as follows.

Flood Risk / Site Levels

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.

The proposal site is located in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. The submitted Flood Risk Assessment document proposes finished floor levels 0.65 metres above lower ground levels. This would be considered to adequately address flood risk.

Character / Appearance

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed 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 130 of the National Planning Policy Framework (NPPF), 2023 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.

Elevations have not been provided with this outline application, however, if they are matching or similar to the elevations on the adjacent Plot 1, they would be considered to be in keeping with the built character of the surrounding area. However, with the need to raise finished floor levels matters related to flood risk, amenity matters will be paramount in this location.

Amenity

Paragraph 130 of the National Planning Policy Framework (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.

Details of the final design would need confirming. Care must be taken that due to the proximity of other dwellings that overdevelopment, overshadowing and overlooking are given serious consideration when the final design is brought forward. Boundary treatment is also of importance as the need to raise finished floor levels may lead to a potential overlooking impact on adjacent gardens.

Housing Need

Policies 10 and 11 of the SELLP set out the required housing needs for Pinchbeck. 252 new dwellings are required within Pinchbeck, as of the publication of the SELLP, 109 dwellings have been approved. Therefore, there is a tangible need for housing within Pinchbeck.

Policy 17 states that a mix of housing is required to meet the needs of the local population. The proposed dwelling would help achieve this variation in property types. As the proposal is small in nature, the actual benefit to the housing stock is minimal, but should still weigh positively in favour of the development.

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 proposal therefore conforms to Policy 10, 11 and 17 of the SELLP by providing a suitable mix of housing to the area.

Parking / Highway Safety

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.

Furthermore, 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 and three spaces for dwellings with four or more bedrooms. Any access and parking design submitted at the reserved matters will need to take account of these considerations.

Preserved trees on site

There are four trees subject to Tree Preservation Orders that may be impacted by this proposal. Three trees are sited inside the site adjacent to the northern boundary, with one tree sited beyond the northern boundary at Plot 1 approved under reference H14-1248-18.

The Trees and Nature Conservation Officer has stated *"On site provided a dwelling is designed with full consideration of the presence of the trees, so that they do not immediately appear to dominate it; to a scale where those living in it would not feel that they were threatened in any way by the trees, then it would be a feasible venture."* The Officer recommends that the dwelling is sited as far away as possible from the preserve trees as possible to the south of the site. *"To summarise a plot with limited potential for a carefully designed dwelling to be built. The extending of the plot to increase its size might be a consideration should a larger dwelling be envisaged."*

The Officer recommends considerations be given to the root protection areas and canopies during and after construction. On the basis of the Officer comments it is considered that a dwelling can be accommodated on site provided careful attention is given to the protection of the preserved trees.

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.

It is considered that the principle of development on this site is acceptable. Providing a suitable design is brought forward at the reserved matters stage then it is considered that any potential concerns regarding amenity, character and protected trees can be overcome.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2023.

RECOMMENDATION

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

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.