DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0851-23**	**Applicant:**	**Mr M Brady**
Proposal:	Erection of dwelling - re-submission of H14-0403-23 (outline approval H14-1023-21)		
Location:	Plot 2 Adj. 202 Spalding Road Pinchbeck Spalding		
Terminal Date:	22nd November 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 2023

Section 9 - Promoting sustainable transport
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Description of 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. This application is a resubmission of H14-0403-23, albeit with a number of alterations.

The proposed dwelling is a single-storey, three-bedroom property with integrated garage. The proposal would measure approximately 17783mm (length) by 7078 (width). The dwelling would feature a hipped roof, with a maximum height of 4600mm. The height to the eaves is 2550mm.

The proposal features cream UPVC windows and doors, with a green garage door. It is proposed that the dwelling would be constructed of Vandersanden Flemish Antique brick, with Sandtoft Wienerberger Concrete roof tiles in red.

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

H14-0403-23 - Reserved Matters. Proposed Dwelling - outline approval H14-1023-21. Refused 18/07/23.

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

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

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."

Pinchbeck Parish Council

"Support. In keeping with the street scene."

Environmental Protection

Request standard contaminated land condition.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

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.
The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Y will normally be limited to Ã?¢?¦.

The NPPF outlines, within Paragraph 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".

Paragraph 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 paragraph 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 principle of development has already been established under the previous outline application. As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a sub-regional centre and make a positive

contribution to local housing stocks.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 60 and 69 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that " 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, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

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 proposed scale and design of the development is in keeping with the area. There are a number of bungalows with hipped roofs in the immediate area, naturalising the proposal.

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.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal 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 SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

A daylight assessment has been submitted to support this application. The daylight assessment shows that the proposal would not lead to an unacceptable loss of light at 202 Spalding Road. The relatively low height of the dwelling, coupled with the hipped roof, has ensured that the adjacent dwelling would not experience noticeable reduction of daylight and sunlight as set out in the BRE guidelines. Therefore, the proposal would not cause significant levels of overshadowing.

Four windows will face 202 Spalding Road, three of which connect to habitable spaces. However, any views offered from these windows will be obscured by the proposed 2-metre-high fence. It is considered that these boundary treatments will prevent any overlooking. Condition 12 of H14-1023-21 states that these approved boundary treatments must be retained moving forward. Therefore, the fencing should be retained hereafter and should continue to fulfil its purpose of preventing overlooking.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 111 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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 proposed dwelling would contain three bedrooms. In line with Policy 36 and Appendix 6 of the SELLP, there is a requirement for two 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. Occupants would have easy access to public transport, as well as access to a cycle route, ensuring sustainable transport is provided.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

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: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 of the NPPF states " 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". The sequential approach is 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.

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 site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These 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.

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 SELLP 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.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Flood risk concerns were addressed under H14-1023-21. The site passes the sequential test and is therefore considered as an appropriate location for development. Finished floor levels will be raised by 300mm, in line with the initial flood risk assessment. This is considered to be acceptable, reducing the potential impacts of flooding while not harming amenity.

The issues of site drainage have been addressed under H14-0422-23 and therefore do not need to be revisited in this instance.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Pollution

Policy 30 of the SELLP, in conjunction with Section 15 of the NPPF, concern ground pollution and the control of contaminated land.

The relevant consultee from the Environmental Protection department has requested a contaminated land condition be attached. However, this condition was attached to H14-1023-21 and then subsequently addressed as part of the condition compliance application H14-0422-23. As such, there is no need to reapply this condition here.

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.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 30, 33, and 36 of the SELLP, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

The recommendation is for delegated approval.

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.