

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0975-21 **Applicant:** Mr & Mrs M Bird
Proposal: Outline application for one dwelling
Location: Adj. Wardentree Lodge Wardentree Lane Pinchbeck
Terminal Date: 5th January 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

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

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND	0	0	0	1

DEEPINGS INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for one dwelling on land adjacent to Wardentree Lodge, Wardentree Lane, Pinchbeck.

The indicative block plan shows a large detached dwelling sited forward of Wardentree Lodge, being served by a new access off Wardentree Lane.

Site Description

The site forms part of the substantial curtilage of Wardentree Lodge, a dwelling which lies on the northern side of Wardentree Lane and sits in between agricultural land extending in either direction east and west, as well as to the north. However, the land to the west is currently subject to a live Reserved Matters application for 96 dwellings (H14-0165-21). There are commercial premises on the opposite site of Wardentree Lane and extending away in a south-easterly direction. There are frontage properties on the southern side of the road further west and closer to the application site is the entrance to a large residential development of 169 dwellings that is currently under construction.

History

H14-0148-10 - Change of use of part domestic garden for sale of garden sheds and summerhouses (approved June 2010)

Consultation Responses

LCC Highways/SUDS - I understand that this is an Outline Planning Application for the erection of 1 no. dwelling with all matters reserved for later approval except for means of access to be considered at this stage, which is currently shown on the proposed block plan drawing number: 0305/21/01 dated 14th September 2021, albeit indicative only. In principle the proposed access is considered adequate to accommodate the passage of vehicles and will allow drivers intending to enter the highway from the access, to have suitable visibility of approaching traffic to judge if it is safe to complete the manoeuvre and therefore, the new access is to be constructed in accordance with Lincolnshire County Council Specification.

SHDC Environmental Protection - No comments or objections.

LCC Historic Environment Officer - No archaeological impact.

Welland and Deepings IDB - I note from the application form that a new package treatment plant is proposed to treat the foul water created by the new dwelling. I have held informal discussions with the agent who informed me that they expect that a new soakaway will be used for the disposal of the treated foul water which is agreeable in principle.

Planning Considerations

Principle

The site lies within Pinchbeck's 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. No objections are therefore raised on locational grounds.

Character and Appearance

Policies 2 and 3 of the SELLP, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

The full appearance, scale and layout of the dwelling would be considered in detail at Reserved Matters stage, but on the basis of the indicative block plan and the site visit undertaken, it is considered that the site could accommodate a single dwelling satisfactorily.

The indicative block plan shows that the proposed dwelling would be set forward of the adjacent Wardentree Lodge, which ordinarily wouldn't be a preferable arrangement, but when considered in the context of the proposed residential scheme to the west, would not be unduly at odds with the likely future development pattern along that side of Wardentree Lane. Furthermore, the residential development on the opposite side of Wardentree Lane would arguably draw the eye to a greater extent than a dwelling on the application site is likely to. On that basis, it is not considered that there would be a material adverse impact on character and appearance of the area.

In light of the above, the proposal is considered to comply with Policies 2 and 3 in the SELLP, 2019 in terms of character and appearance (as far as it can be assessed at outline stage).

Residential Amenity

Paragraph 127 of the National Planning Policy Framework (2021), amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Taking into account the indicative details of the proposals, it is considered that a dwelling could be accommodated on the site whilst maintaining a satisfactory relationship between the proposed dwelling and the existing dwelling adjacent.

Raising floor levels by around 300mm as per the submitted flood risk assessment would not adversely affect residential amenity of surrounding properties given the minimal height difference.

Land to the east is allocated for employment uses, however other dwellings have been constructed in close proximity to such uses in recent times (e.g. the former Spalding Lifestyle site off Spalding Road and the Allison Homes site on the opposite side of Wardentree Lane) and appropriate mitigation has been incorporated.

Details of boundary treatment will be secured by means of a condition compliance application.

Taking the above into account, the proposed development is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity (as far as it can be assessed at outline stage).

Highway Safety and Parking Provision

The proposal is for a new access to be created from Wardentree Lane. The Highway Authority have been consulted and no objection has been raised to the proposed access arrangements. It therefore accords with Policy 2 of the Local Plan in this regard.

In terms of parking provision, the proposals should comply with the minimum parking standards set out in Appendix 6 of the SELLP. Although the submitted block plan is only indicative in nature, it is

considered based on that, that an acceptable level of parking provision would appear capable of being achieved.

Flood Risk and Drainage

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 risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and therefore a sequential test should be undertaken. However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates that the site falls within an area of no hazard or depth, which is the lowest category possible.

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 reasonably proximity to a range of services and facilities.

Setting finished floor levels at 300mm above existing ground level would provide added assurance against inundation in a flood event. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways. There are no known permeability issues in this area that would preclude the use of soakaways. In terms of foul drainage, the intention is to install a package treatment plant with the treated water being disposed of via soakaways. There are no concerns with this in principle.

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

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 application site lies within the settlement boundary for Pinchbeck and the principle of residential

development in this location is acceptable. Whilst this is an outline application with all matters reserved except for access, it is considered that a scheme could be developed that would not materially harm the character or appearance of the locality or amenity of residents. Approval is being sought for access at this stage and no material highway issues have been raised, and an acceptable level of parking provision would appear capable of being achieved. Flood risk and drainage matters are considered to have been appropriately addressed.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

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.

Conclusion

For the reasons set above, this application is considered to satisfactorily accord with Policies 1, 2, 3, 4, 10, 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 (2021).

The recommendation is therefore for a delegated approval.