DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0022-19**	**Applicant:**	**Mr B McAfee**
Proposal:	Erection of single-storey dwelling		
Location:	Land North: 13 Palin Drive Spalding		
Terminal Date:	22nd April 2019		

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
32	Community, Health and Well-being
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a single-storey dwelling on land north of 13 Palin Drive, Spalding.

The proposal is for a two-bedroom bungalow with single attached garage and parking. Private amenity space would be incorporated to the north of the dwelling.

This section of Palin Drive is currently closed at both the southern and northern ends by bollards to prevent any passage along this section by motor vehicles. In order to provide vehicular access to the site, the existing bollard at the south would be relocated in a position further north.

Site Description

The site is a triangular piece of grassed land adjoined by two and three-storey dwellings on two sides. The railway line lies to the west on the other side of the road.

The site is within the settlement boundary for Spalding and is identified as open space in the South East Lincolnshire Local Plan (2019) as well as part of the accepted open space provision for the wider development (H16-0755-06).

Representations

SHDC Planning Policy - No objections.

SHDC Environmental Protection - Requests note re unexpected contamination.

SHDC Community Development - No objections.

LCC Highways/SUDS - No objections subject to standard highways notes.

Public -
- Concern re suitability of fencing between properties on Thompson Close and the site.

Material Considerations

- Principle (incl. loss of protected open space)
- Flood risk
- Impact upon character and appearance of the area
- Residential amenity

Principle

The site is within the settlement boundary for Spalding as set out in the South East Lincolnshire Local Plan (2019) and so residential development in this location would, in principle, be acceptable.

However, the site is identified as open space in the South East Lincolnshire Local Plan (2019) as well as being part of the accepted open space provision for the wider development (H16-0755-06).

Policy 32 of the South East Lincolnshire Local Plan (2019) relates to Community, Health and Well-being and states that:
The redevelopment or change of use of an existing community facility will be permitted only if:
1. an assessment has been undertaken which has clearly shown that the facility is:
a. surplus to requirements; or
b. not economically viable; or
c. unfit for purpose; and

d. in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms; or
2. the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location; or
3. (in the case of sports facilities or recreational open space) the redevelopment or change of use is for alternative sports or recreational provision, the need for which clearly outweighs the loss.

In terms of the above, based on the current requirement of 0.75ha of open space per 1,000 persons in the adopted Local Plan, the wider development off Magellan Way would have been expected to have provided approximately 0.65ha of open space. The existing open space off Livingstone Drive and Bonington Court nearby totals 0.73ha, which is in excess of that requirement without taking into account the application site. Consequently, it can be argued that this parcel of open space is effectively surplus to requirements and therefore criterion 1.a. is satisfied. Furthermore, in order to justify a loss of recreational open space under Policy 32, the open space should not make an important contribution in amenity, visual or nature conservation terms. The applicant has submitted an Ecological Appraisal which concludes that 'the area of grassland is unremarkable, with low naturalness, low species diversity and lack of connectivity to nearby areas with a higher ecological value'. In respect of amenity and visual terms, the site is a small triangular parcel of land located between the rear of a number of properties and the railway line. It does not relate well to the wider development in visual terms because of its location and does not represent any form of focal point.

Given the above, it is not considered that the loss of open space would amount to a reason for refusal.

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 risks as advised within paragraphs 100 - 101 of the NPPF.

The application site lies within Environment Agency Flood Zone 3a and the site is not identified within any hazard zone in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017).

Sequentially preferable sites have been identified in Spalding in terms of flood risk in the South East Lincolnshire Local Plan (2019). However, given that the Council do not currently have a published 5-year housing land supply, it could be argued that there are not currently sufficient reasonably available sites for housing that are sequentially preferable in flood risk terms across the district. It could therefore be argued that, should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, the site is acceptable in flood risk terms.

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.

It is considered that the development would provide wider sustainability benefits to the community in terms of its ability to help meet the housing need, and other benefits including generating employment during the construction period and thereby providing some protection to the local economy. It is also within the existing built up area of Spalding meaning that a wide range of services and facilities would be accessible by more sustainable modes of transport, such as walking or cycling. It would also have an acceptable impact on the character and appearance of the area.

In terms of making the development safe, there will be a condition that finished floor levels should

be set at 300mm above existing ground level. This would be sufficient to mitigate against flood risk.

Impact upon character and appearance of the area

As stated above, the site is a small triangular parcel of land located to between the rear of a number of properties and the railway line. This consequently means that it does not relate well to the wider development in visual terms. Given that it does not have significant visual amenity value, it is not considered that its loss would have a material adverse impact on the character and appearance of the area.

The existing properties immediately adjacent to the site are all two and three-storey dwellings, however there are bungalows off Green Lane to the north. A bungalow in this location would therefore be acceptable.

Residential amenity

The site is approximately 20m from the railway line to the west. The line is now used 24 hours a day by trains, with passenger trains commencing early morning, finishing late evening, but freight trains can run throughout the night. SHDC Environmental Protection have previously raised concerns about the potential impact from noise and vibration form freight train movements on proposed residential developments along Green Lane but they have not objected given that the principle of residential development at that distance from the line has already been established.

No resident objections have been received and it is not considered that there would be a material adverse impact on residential amenity. The separation distances between facing windows is sufficient taking into account the pattern of existing development, and the proposed bungalow would not be overbearing in nature or result in a material loss of light because of its scale and positioning.

An acceptable standard of internal and external amenity space would be provided.

Conclusion

Taking into account the above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 32 and 36 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.