DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0411-23**	**Applicant:**	**Mrs A Nathu**
Proposal:	Proposed two storey dwelling and parking		
Location:	Adj 204 Pennygate Spalding Lincolnshire		
Terminal Date:	11th August 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Representations:

	Object	Support	No Obj.	Comments
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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline proposal for a two-storey dwelling on the land adjacent to 204 Pennygate, Spalding. All matters are reserved. It is proposed that the dwelling is constructed on a gravelled area, currently used as parking for 204 Pennygate.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The area is characterised by two-storey, semi-detached residential dwellings. The prevailing materials in the area are light brown bricks and white render.

To the immediate east is 204 Pennygate, the property to which the land is currently associated. To the immediate west is an Anglian Water pumping station, with Pennygate Health Centre immediately beyond that.

Relevant History

H16-0628-14 - Change of use of domestic dwelling to charity run health and wellbeing centre and siting of portable buildings (retrospective). Approved 24/10/14.

H16-0034-15 - Change of use of domestic dwelling to charity run Health and Wellbeing Centre and siting of portable buildings (retrospective). Re-submission of H16-0628-14 for the change of location of the two portable buildings. Approved 04/03/15.

H16-0599-15 - Details of colour of portacabin and design, height and colour of trellis (Conditions 3 and 4 of H16-0034-15). Approved 13/07/15.

H16-1019-16 - Additional wooden storage building/function room and alterations to Health and Wellbeing Centre (retrospective). Refused 19/12/16.

H16-0502-17 - Proposed continued use of premises as Health and Well-Being Centre including retention of (a) extension to the side and rear of 204 Pennygate and (b) detached function room to rear of site (retrospective). Approved 07/08/17.

Consultation Responses

Highway and Lead Local Flood Authority

"No objection: The host dwelling already has an area at its frontage where vehicles can be parked without unduly obstructing the free passage of others. There is a vehicular access to the land that comprises the Application site which has had an historic use in serving the Pennygate Foundation Community Health and Well Being Centre. It is thus proven to be a safe and suitable vehicle access and is considered to be suitable to serve the proposed dwelling. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application."

Anglian Water

No comments

Welland and Deepings Internal Drainage Board

The Board's Pennygate Road Drain (west) pipeline lies near the front of the site in question and is

afforded a 9m byelaw distance. This byelaw prevents any new structures, fences, hedges, landscaping, buildings etc being placed with nine metres of the Board's pipeline without the prior consent of the Board.

Foul and surface water provisions should be confirmed to the Board at a full plans or reserved matters stage.

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 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, 2021 (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 "sub-regional centre" within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

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.

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, Size and Scale

Paragraph 130 of the NPPF 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.

All matters are reserved; therefore, the design and scale of development will be finalised within the reserved matters stage. However, it is considered that the erection of a dwelling in this location would not appear incongruous. Although the prevailing built form is semi-detached, the neighbouring Pennygate Health Centre would naturalise a detached building. It is recommended that any subsequent design be conscious of the street scene and be in keeping with the character of the area.

It is considered that the proposal conforms to Policy 2 and 3 of the SELLP in terms of the design of development.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions. Policy 32 ensures that new developments create safe environments, which promote good health and wellbeing.

As all matters are reserved, the amenity impacts of development cannot be fully determined at this stage. However, it is considered appropriate that no unobscured windows face onto 204 Pennygate in order to maintain the privacy of its occupiers.

While the proposed dwelling would have a close relationship with 204 Pennygate, it is not considered at this stage, based upon the information provided, that the proposal represents a significant overshadowing concern. There is the potential, through the use of a suitable design, to prevent any overshadowing. It is considered that at this stage, the potential for overshadowing cannot be fully assessed and should be re-examined under a Reserved Matters proposal.

Therefore, it is considered that a dwelling in this location may not have an unacceptable amenity impact. However, this must be closely examined at a later stage once finalised drawings are received.

Flood Risk and Drainage

The site is within Flood Zone 3 of the Environment Agency flood risk maps, as such a Flood Risk Assessment has been submitted. Within the local Strategic Flood Risk Assessment, the site is not classed as an area of flood risk. This is due to the considerable flood defences present in Spalding. As such, there is no tangible need for flood risk mitigation strategies (e.g., raising floor levels). The proposal therefore conforms to Policy 4 of the SELLP on flood risk.

The proposal did not include a drainage strategy, as such, this shall be considered at the reserved matters stage.

The proposal conforms to Policy 4 of the SELLP on drainage and flood risk.

Pollution

Policy 30 of the SELLP relates to pollution (including noise, light and odours). Due to the nature of the development, it is recommended that a condition be imposed requesting a contaminated land scheme, in order to ensure the development is safe.

Due to the close proximity to the sewage pumping station, odour pollution is a concern. Ordinarily, development within 15 metres of a station is restricted due to the potential for unpleasant odours; however, this rule can be relaxed if agreed by Anglian Water.

The SHDC Environmental Health department has requested a standard contaminated land condition if approval was granted.

Sustainability

Policies 31, 32 and 33 of the SELLP ensure the sustainability of all developments.

The proposed dwelling would incorporate solar panels, helping to achieve the environmental goals of Policy 31. Furthermore, the use of an infill plot reduces the land pressures of development, further achieving environmental sustainability.

Policy 33 relates to sustainable transport. As the development would be within settlement boundaries, occupants would have easy access to public transport, reducing the need for a private vehicle. Furthermore, occupants would have access to services and facilities either on foot or via bicycles, furthering conforming to the above policy.

As defined within Paragraph 8 of the NPPF, sustainable development must achieve economic, social, and environmental objectives. The proposal would conform to this definition of sustainability outlined in the NPPF and therefore is acceptable.

Parking and Access

Parking and access details have not been provided here and are to be fully evaluated at the reserved matters stage. The area to be used for the dwelling is currently used for parking at 204. As such, any proposal must ensure that 204 Pennygate maintains a suitable level of parking.

The relevant consultee from the Highway Department has raised no objections, stating that sufficient parking can be achieved without damaging highway safety. There is a principle for moderate parking/ vehicle movement on the site due to the historic use as a well being centre without any unacceptable impact upon highway safety.

The proposal therefore conforms to Policies 36 and Appendix 6 of the SELLP in terms of parking and highway safety.

Planning Balance

The principle of development in this location is acceptable. The site is within the settlement boundaries of Spalding and represents a sustainable location for development.

No finalised drawings have been submitted; therefore, no comments can be made on a potential design. That being said, a detached dwelling on this plot would not appear out of keeping with the character of the area.

The examination of potential amenity impacts has been somewhat limited at this stage as the application is in outline only. When a Reserved Matters application is submitted, they will be re-examined, with particular care taken to prevent overshadowing. It is considered appropriate to request a sunlight/ daylight schedule alongside any later submission.

The proposal conforms to Policy 4 on flood risk due to the low on-site flood risk. A drainage strategy should accompany any Reserved Matters application.

Regarding pollution, it is considered appropriate to request a contaminated land report on a subsequent application. It is also considered that an agreement should be reached with Anglian Water to relax the easement distance around the station.

The proposal shows a general conformity to Policies 31, 32 and 33 of the SELLP. The proposal has sufficient parking space and therefore conforms to Policy 36.

As such it is considered that the proposal shows a general conformity to the development plan as a whole. Therefore, the planning balance is in favour of the proposal.

Conclusion

The recommendation is for delegated approval.

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.