

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0855-23      **Applicant:** Mr & Mrs P Turner

**Proposal:** Proposed Demolition of 154 & 156 Pinchbeck Road Spalding and construction of New Dwelling

**Location:** Adj 154 Pinchbeck Road Spalding Lincolnshire

**Terminal Date:** 19th December 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

- 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 |
|--------------------------------------------------------|--------|---------|---------|----------|
| WARD MEMBER                                            | 0      | 0       | 0       | 0        |
| PLANNING LIAISON<br>OFFICER - FLOOD RISK<br>ASSESSMENT | 0      | 0       | 0       | 1        |
| HIGHWAYS & SUDS<br>SUPPORT                             | 0      | 0       | 0       | 1        |
| WELLAND AND<br>DEEPINGS INTERNAL<br>DRAINAGE BOARD     | 0      | 0       | 0       | 1        |

|                        |   |   |   |   |
|------------------------|---|---|---|---|
| SHDC INTERNAL          | 0 | 0 | 1 | 0 |
| OTHER STATUTORY BODIES | 0 | 0 | 1 | 1 |
| RESIDENTS              | 1 | 0 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **SITE DESCRIPTION**

The proposal site is within the defined settlements of Spalding. 154 and 156 Pinchbeck Road are semi-detached dwellings to be demolished. To the north of these dwellings is 158 Pinchbeck Road and then Vernatt's Drain. Curtilage buildings and paddock land are located beyond the eastern rear boundary. 146 Pinchbeck Road is located to the south of the site, with dwellings on St Helena Drive to the south east. Established hedging is located to the west of the proposal site on the opposite side of Pinchbeck Road. The site is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area with a maximum predicted flood depth of 500mm. In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for connection to the made to the existing Anglian Water network for foul water disposal.

### **PROPOSAL**

This is a full planning application for the proposed demolition of 154 & 156 Pinchbeck Road Spalding and construction of a new dwelling. The proposal seeks to provide a two storey dwelling to the south of the existing dwellings to be demolished. This dwelling will contain a lounge, hall, wc, kitchen, utility and dining room at ground floor level. Three bedrooms, a bathroom, study and an en-suite will be located at first floor level. A detached garage will be located to the eastern rear of the site. The property and garage will be accessed via the existing private access road. The dwelling and garage will be constructed from Vandersanden cottage mixture brick with Sandtoft Shire Pantile Rustic tiles. Windows are to be cream UPVC with reconstituted stone cills above.

A site visit was conducted on Friday the 6th of October 2023.

An amendment has been submitted to address overbearing concerns. The dwelling has been moved 0.6 metres further north away from the boundary with 146 Pinchbeck Road.

### **RELEVANT HISTORY**

#### **H16-0946-79**

Full - Residential Development (8 plots) - Approved by Secretary of State for the Environment - 03 April 1981.

#### **H16-0365-01 - On adjacent site to north**

Outline - Residential development - 1 dwelling, including means of access - Approved 11 June 2001.

#### **H16-1154-02**

Full - Demolish dwellings (Nos 154 & 156) and erect replacement detached dwelling with garages - Refused - 20 December 2002.

#### **H16-0690-03 - On adjacent site to north**

Full - Proposed 4 bedroomed house with attached double garage and store - Approved - 21 July 2003

H16-0251-04 - On adjacent site to north

Condition Compliance - Details of materials (Condition 2 of H16-0690-03) - Approved - 04 March 2004.

H16-0331-04 - On adjacent site to north

Condition Compliance - Details of landscaping (Condition 3 of H16-0690-03) - Approved - 23 March 2004.

## **CONSULTATION RESPONSES**

Initial Responses Received (Consultation period between 29 September 2023 to 20 October 2023)

Welland & Deepings Internal Drainage Board - 04 October 2023

No comment.

Environment Agency - 09 October 2023

Requests condition that finished floor levels are set at 500mm, with a further 300mm of flood resilient construction.

Lincolnshire County Council - Highways & SUDS - 10 October 2023

No objection - *"The proposed new dwelling would utilise the existing vehicle access that serves the two properties that are to be demolished, as well as a number of outbuildings to the rear of the Application Site, that are also within the control of the Applicants. This access has suitable visibility in both directions for drivers to be able to enter the highway safely at this point. Sufficient space would be retained within the site for vehicles to turn around so as to be able to leave and enter the highway in a forward gear. In simple numerical terms, with the execution of the proposed development, this access would see a reduction in the number of households using it. Therefore, in consideration of all of the above, the highway authority does not believe there is sufficient cause to withhold the grant of Consent for this Application on highway grounds."*

Lincolnshire Bat Group - 19 October 2023

*"Thanks you for referring this application to Lincs bat Group. Given the properties' proximity to the Vernatt's Drain, a major bat feeding area, we would strongly recommend that a bat survey be carried out on these properties."*

South Holland District Council - Environmental Protection - 23 October 2023

*"I request a screening assessment form be completed at this location."*

Lincolnshire County Council - Historic Places Team - 06 November 2023

*"No archaeological input required."*

South Holland District Council - Environmental Protection - 24 November 2023

*"After reviewing the screening assessment form submitted I have no comments to make."*

Responses Received following Re-consultation (Consultation period between 04 December 2023 to 14 December 2023)

Environment Agency - 05 December 2023

*"We have no comments to make on the amended plans and refer you to our letter dated 09 October 2023 for our position on this application."*

*"No comments regarding amendment 1."*

*"I confirm that Welland & Deepings IDB have no comment to make with regard to this application."*

#### Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, one letter of representation have been received.

These can be summarised as:

Overlooking  
Overshadowing  
Noise, dust and additional traffic during construction.

### **KEY PLANNING CONSIDERATIONS**

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

Principle of Development and Sustainability  
Presumption in Favour  
Demolition of two existing dwellings at 154 & 156 Pinchbeck Road  
Housing Need  
Layout, Design and Consideration of the Character and Appearance of the Area  
Impact on Residential Amenity/Land Users  
Parking / Highway Safety  
Flooding Considerations / Drainage  
Other matters raised

### **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. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

#### Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy)

expresses this sustainable framework 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 in respect of sustainable development 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 in terms of sustainability.

The site is located within the defined settlement limits of Spalding which is classified as a Sub-Regional Centre in the South East Lincolnshire Local Plan. The assessment criteria states:

"Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres."

When assessed against the relevant criteria it is considered that the proposal would help to support the role of Spalding as a Sub-Regional Centre by siting a dwelling within defined settlement limits.

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.

#### Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

#### Demolition of two existing dwellings at 154 & 156 Pinchbeck Road

The application seeks to demolish the existing dwellings at 154 and 156 to facilitate the proposal. The footprint of the new dwelling is not on the footprint of the dwellings to be demolished. There are future plans to develop this site, however, they do not form part of this application and do not carry any weight in the decision making process. The dwelling to the north of 154 and 156 is 158 Pinchbeck Road and was approved under reference H16-0690-03. Prior to the approval of 158 there was only two dwellings present on site. This is evidenced on the map of the approved application for 8 dwellings under reference H16-0946-79.

It is therefore considered that when viewed in the historical context of development on site, there is not considered to be a net loss of dwellings as a result of this proposal. Additionally, there is space at the frontage and rear of the site to accommodate approximately eight further dwellings. The entirety of the site is within the defined settlement limits of Spalding.

#### Housing Need

Policies 10 and 11 of the SELLP set out the required housing needs for Spalding. 5510 new dwellings are required within Spalding, as of the publication of the SELLP, 1920 dwellings have been approved. Therefore, there is a tangible need for housing within Spalding.

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 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".

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.

#### Layout, Design and Consideration of the Character and Appearance of the Area

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, contained within section 12 of the National Planning Policy Framework (2023), 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. Development proposals should also ensure that 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.

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.

Likewise, policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it 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 National Planning Policy Framework 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.

The proposal seeks to provide a two storey dwelling to the south of the existing dwellings to be demolished. This dwelling will contain a lounge, hall, wc, kitchen, utility and dining room at ground floor level. Three bedrooms, a bathroom, study and an en-suite will be located at first floor level. A detached garage will be located to the eastern rear of the site. The property and garage will be accessed via the existing private access road. The dwelling and garage will be constructed from Vandersanden cottage mixture brick with Sandtoft Shire Pantile Rustic tiles. Windows are to be cream UPVC with reconstituted stone cills above. It is considered that the proposed materials of construction are appropriate for the site and are in keeping with the built character of the surrounding area.

The footprint of the proposed dwelling is considered to improve the overall appearance of the site and whilst smaller in scale than 158 Pinchbeck Road is similar in size to that of 146 Pinchbeck beyond the southern boundary. The demolition of 154 and 156 Pinchbeck Road is also considered to improve the setting of 158 Pinchbeck by removing the enclosing impact from the dwellings set forward of 158 to the south. A silver birch tree and blue cedar tree are to be removed to facilitate the development. These trees are not considered to be great examples of the species and there are a number of trees already existing within and beyond the site boundary to the rear that mean when considered as a whole there is not considered to be a new biodiversity loss. A dilapidated two storey shed structure, approximately 4.5 metres in height is to also be removed. The character of the site and surrounding area will benefit greatly from the removal of this visually detracting building which is also visible from the highway at Pinchbeck Road beyond the frontage gates.

154 and 156 Pinchbeck Road whilst old in nature are not considered to be fine examples of good design. The dwellings have been added to and amended to over time which has diminished the overall appearance. Additionally, the dwellings have not been well preserved over time and visually detract from the streetscene. The loss of the semi-detached dwellings is considered to be acceptable as they do not constitute non-designated heritage assets, nor are they a rare form of development within the settlement of Spalding or the district as a whole.

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 South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

#### Impact on Residential Amenity/Land Users

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.

This section has been updated to take into account the amendment of 04 December 2023 to move the dwelling 0.6 metres further north to address overbearing concerns to 146 Pinchbeck Road.

There is not considered to be a material amenity impact from the proposed dwelling to 158 Pinchbeck Road to the north, 146 Pinchbeck Road to the south or any other dwellings. The proposal site is not considered to represent overdevelopment. There is ample amenity space to the front and rear of the site, which is comparable to 146 to the south and significantly larger than the dwellings to the south-east along St Helena Drive.

There is not considered to be an overshadowing impact to any dwellings. The 7.55 metre high proposed dwelling and 3.55 metre high detached garage are to be sited to the north and north-east of 146 Pinchbeck Road. Therefore, as the sun traverses east to west across the sky on a southerly trajectory when right to light lines are drawn 146 Pinchbeck Road is not impacted by a loss of light. The dwelling at 158 Pinchbeck Road is approximately 18.4 metres to the north of the proposed dwelling at the nearest point and 21.9 metres from the proposed detached garage at the nearest point. When right to light lines are drawn, no part of the dwelling or garden at 158 Pinchbeck Road is impacted by a loss of light.

With regard to overlooking the site is currently bordered to the south by a 1.8 metre high timber fence with trees of varying heights in front of the fence. The western frontage is to be bordered by a 900mm high post and rail fence. The post and rail fence will also be sited either side of the access for the first 10 metres. After this, either side of the access will be bordered by a 1.8 metre high close boarded timber fence. The eastern boundary of the site is also to be bordered by a 1.8 metre high close boarded timber fence.

The proposed finished floor level of the dwelling is to be raised 500mm above existing ground level to address flood risk. Due to the existing and proposed boundary treatment there is not considered to be an overlooking impact from the single storey detached garage. As the garage is not for a habitable room, there is not a requirement to raise finished floor levels.

There are no windows on the ground or first floor fenestration on the southern side elevation closest to southern boundary. There is a south facing ground floor dining room window which is located 6.95 metres from the southern boundary. Given the separation distance, the 1.8 metre high timber fence and the 3.5 metre high trees to the front of the fencing, there is not considered to be a material overlooking impact to the adjacent property. There are windows on both the ground floor and first floor west facing frontage. These windows face Pinchbeck Road and the established trees beyond. There is not considered to be an overlooking impact from these windows. There is a sole door at the ground floor of the north facing side elevation. There is a 1.8 metre high timber fence 1.5 metres from this door with a further 1.8 metre high timber fence on the other side of the access. The frontage of 158 Pinchbeck Road is largely visible from the highway, therefore anything that is visible from this side elevation door is also visible to the public from Pinchbeck Road. There is a first floor northern side elevation window that serves a bathroom. This window is to be obscure glazed, therefore it is not considered to allow for a material overlooking aspect. If opened this window would face the open frontage of 158 Pinchbeck Road. Therefore, there is not considered to be an overlooking impact to 158 Pinchbeck Road from the northern side elevation fenestration.

The ground floor, south facing, rear elevation windows serve a dining room and a lounge. These windows do not directly face any other dwelling. The lounge window faces the detached garage at the rear of the site and the two dining room windows face the 1.8 metre high close boarded timber fence along the rear boundary of the garden. The first floor, south facing, rear elevation windows serve two bedrooms and a study. These windows do not directly face any other dwelling. A large portion of the rear garden of 146 Pinchbeck Road will be large unseen as the rear first floor windows do not directly face it and the boundary is bordered by hedging approximately 3.5 metres in height. The front and rear windows in relation to 146 Pinchbeck Road are considered to represent a standard frontage / rear orientation.

The rear elevation windows of 1 St Helena Drive are 26 metres away from the first floor rear elevation windows of the proposed dwelling. There is not considered to be a material overlooking aspect from these windows due to the separation distance, and the differing orientation of the fenestration. The 1 St Helena windows face north and the rear elevation windows of the proposed dwelling face east.

As detailed above, the scale and design of the proposal is considered to be such that there would be 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 provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

#### 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.

The proposal is for a dwelling with three bedrooms, therefore a minimum of two off road parking spaces are required. Two off road parking spaces can be comfortably accommodated on site. The turning head near the rear boundary allows vehicles to exit the site in a forward gear. The demolition of 154 and 156 does not impact parking provision for 158 Pinchbeck Road to the north of the proposal site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

### Flooding Considerations / Drainage

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 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 area 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 the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within a "Danger for Some" hazard area with a maximum predicted flood depth of 500mm.

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 Spalding. 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 proximity to a range of services and facilities.

The submitted flood risk assessment recommends that finished floor levels of the proposed houses should be at a minimum level of 3.50m ODN, which is 500mm above the existing ground level. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for connection to be made to the existing Anglian Water network for foul water disposal. Notwithstanding concerns raised during the consultation process, there are no known ground permeability issues in this area that would preclude the use of soakaways and Anglian Water are obliged to accept foul water flows from new developments if proposed.

Given the above, the proposal 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.

#### Other matters raised

Bat Survey - Lincolnshire Bat Group have stated *"Given the properties' proximity to the Vernatt's Drain, a major bat feeding area, we would strongly recommend that a bat survey be carried out on these properties."* It is considered to be very important that this matter is addressed before the development commences, therefore this will be a pre-demolition condition.

Disruption during demolition / construction - Whilst disruption during construction is not usually a material planning concern, given the proximity of 154 and 156 Pinchbeck Road to other other dwellings a construction management plan is required. This is to ensure that demolition and construction is carried out with the minimum of disruption to nearby dwellings and the adjacent highway, which is a major thoroughfare in and out of Spalding.

### **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 application seeks to demolish the existing dwellings at 154 and 156 to facilitate the proposal. The footprint of the new dwelling is not on the footprint of the dwellings to be demolished. There are future plans to develop this site, however, they do not form part of this application. The dwelling to the north of 154 and 156 is 158 Pinchbeck Road and was approved under reference H16-0690-03. Prior to the approval of 158 there was only two dwellings present on site. This is evidenced on the map of the approved application for 8 dwellings under reference H16-0946-79.

It is therefore considered that when viewed in the historical context of development on site, there is not considered to be a net loss of dwellings as a result of this proposal. Additionally, space remains at the frontage of the site on the footprint of 154 and 156 Pinchbeck Road to provide another dwelling, thereby raising the number of dwellings within the original site boundary from two to three.

The design and siting of the proposed dwelling is such that it compliments the existing streetscene and does not materially impact the character or amenity of the surrounding area.

### **CONCLUSION**

This application is considered to accord with 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.