DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1006-23**	**Applicant:**	**Mr J Reeves**
Proposal:	Residential Development		
Location:	Adj The White House 76a Little London Spalding		
Terminal Date:	1st March 2024		

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
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development
Section 5. Delivering a sufficient supply of homes
Section 11. Making effective use of land
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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This outline planning application is for a residential development of 3, three-bedroom, two-storey dwellings on the land to the front of 76A Little London, Spalding.

Site Description

76A Little London is a large, Early C20th private house situated on an extensive and secluded plot. From the public footpath of Little London, the host dwelling is entirely screened from view by the extensive planting on site. Little London is largely characterised by residential ribbon development, featuring varying architectural periods and styles. Some minor commercial development is featured within close proximity including a public house and small convenience store. The Cedar Falls care home is also situated to the rear of 76A.

History

None relevant

Consultation Responses

Welland and Deepings Internal Drainage Board

The proposed culverts would be subject to the prior written consent of the Board being gained in advance of works
commencing on site. Any application made to the Board will be subject to the agreement of technical details.

Lincolnshire County Council Lead Local Highways and Flood Authority

This is an Outline Application with all matters reserved for later approval. The submission does however include an indicative layout drawing showing how three detached dwellings could be accommodated within the Application Site. The access arrangements for this indicative layout comprises three separate vehicular accesses with each property having on-plot car parking and turning space to allow vehicles to leave and enter the highway in a forward gear. It is strongly recommended that these principles are carried through to any Reserved Matters Application. The alignment of the section of Little London from which access is to be taken is arrow straight and there are a footway and a highway verge that will ensure safe and suitable visibility can be afforded to drivers entering the highway at this point. The frontage footway would provide safe and suitable pedestrian access for residents and their visitors.

In consideration 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 or a severe residual cumulative impact upon the local highway
network and therefore does not wish to object to this planning application

Requests the imposition of Highways Informative Conditions 03 & 08.

Trees and Nature Conservation Officer

The Trees and Nature Conservation Officer provided a lengthy consultation response, which may be summarised like so:

Site entrance has vegetation typical of original house era. Includes yew, holly, Cotoneaster sp., Lonicera nitida, Portuguese laurel, Elaeagnus sp. Fine young yew near driveway entrance may be removed for development. Keeping vegetation is encouraged.

Large willow with dead branch and woodpecker holes, double trunked ash and two young ash trees,

cherry plum, cherry, dead cherry, and ash-leaved maple on boundaries may be removed.

Three trees (beech, red horse chestnut, cypress) form screen and backdrop for original garden. Blue cedar aligned with cypress. Beech, chestnut, cypress may be in new gardens, cedar in original.

Beech is healthy and compact (suppressed by willow). Chestnut has bud growths and slime flux on bark, and branch towards frontage. Cypress is mature and impressive, but lost section.

Development layout puts dwellings too close to trees. Chestnut may be pruned, but cypress is too close to Plot 1.

Planning permission for three dwellings will remove ash trees, yew, cherry, cherry plum, and willow (with biodiversity value), and threaten cypress and chestnut (important for White House).

Conclusion: If permission granted, full tree survey and Root Protection Areas needed (see British Standard 5837:2012).

Only one dwelling may fit if trees retained.

Beech, yew, and cedar should be protected for White House grounds.

Layout must consider trees and Root Protection Areas.

On windy night, occupants may feel uneasy near trees. Cypress may hit Plot 1 wall.

Willow survey needed before removal for protected species (see Wildlife and Countryside Act 1981). Has woodpecker holes

SHDC Environmental Protection Officer

No objections

Planning Considerations

Principle

The site lies within Spalding's Settlement Boundary as defined in the South East Lincolnshire Local Plan (2019) (SELLP).

Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres and Settlements, 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. Development will normally be limited to Committed sites and infill.

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 (December 2023) (NPPF). Paragraph 135 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 proposed 3 dwellings are detached, 2 storey properties diagonally oriented in relation to Little London road, and the plans show clearly that 3 properties could be accommodated on site whilst retaining decently sized amenity areas and parking provision As this application is only an outline proposal, no elevations are provided. However, these details remain to be finalised at the reserved matters stage, where it shall be an expectation that the final design achieves sympathy with its surroundings and that nearby residential amenity is preserved.

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

Residential Amenity

Paragraph 135 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.

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

The dwellings could be sufficiently spaced out and would benefit from a reasonable sized garden to the rear of each. The reserved matters will be expected to include final details which preserve residential amenity. However, due to the wide separation distances between proposed and existing properties, residential amenity would appear to be relatively well safeguarded inherently in the site.

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) (SFRA) 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.

In terms of flood risk, the application site is situated in Environment Agency Flood Zone 3. However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) shows that the site falls within no hazard and depth zones.

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 towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. Providing that finished floor levels are set no lower than 300mm above existing ground level, the development should be safe for its lifetime.

Due to the Outline nature of this application, no formal drainage arrangements are included. However, the included Design and Access statement does reference that soakaway drainage would likely be utilised. Regardless, the applicant will be required, by condition, to include drainage details as part of the reserved matters, which can then be appropriately scrutinised.

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.

Highway Safety and Parking Provision

The County Highway Authority has been consulted and no objection has been raised to the principle of developing all three dwellings at such a location. However, the proposal is in its outline form with all matters reserved, therefore specific access details are not available at this stage.

The means of access at this stage shows that it will be accessed via the main road of Counter drain Drove. It is not considered to raise any objection in terms of highway safety from the Local Highway Authority at this stage and is therefore, considered acceptable.

In terms of parking provision, the proposal should comply with the minimum parking standards set out in Appendix 6 of the SELLP. No details have been submitted in this regard considering the outline form of the development. In principle, good design standards would be able to accommodate sufficient cars without encouraging on-street parking on the public highway. The size of the plot is acceptable and there is room to make appropriate car parking provision.

Tree Conservation

The Trees and Nature Conservation Officer has been consulted on this application and has not objected to the proposal offhand. However, they do raise a number of concerns, most especially regarding the trees situated on the plots of the proposed properties, to the rear. Their comments can be summarised like so:

"Site entrance has vegetation typical of original house era. Includes yew, holly, Cotoneaster sp., Lonicera nitida, Portuguese laurel, Elaeagnus sp. Fine young yew near driveway entrance may be removed for development. Keeping vegetation is encouraged.

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As such, it is not felt that the removal of the conifer hedging to the front of the site is of a great harm to the setting. However, the trees set back from the frontage are of some value to the setting providing the White House a visual barrier against what would be the rear of the proposed properties. It is therefore crucial that these be retained as the applicant's submission suggests that they would. The Local Planning Authority would not entertain the possibility of any future reserved

matters application which would lead to the loss of these trees.

Impacts of Climate Change & Biodiversity

In respect of biodiversity, Policy 28 of the SELLP outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly green space will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposal shall provide and overall net gain in Biodiversity.

Section 14 of the NPPF states that new development should be planning for in ways that 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'. Section 15 goes on to express that planning decisions should contribute to an enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, whilst minimising the impacts on and providing NET gains for biodiversity.

In this regard, it would be necessary for the development to appropriately demonstrate a biodiversity uplift. As this has not been adequately demonstrated, it is not possible to conclude on this aspect of the development. Notwithstanding this, it is considered that a suitably worded condition could be recommended to seek submission and approval of such detailing, in accordance with Policy 28 of the SELLP. Also, as the national requirement for a specific level of biodiversity uplift comes into effect shortly, an informative drawing attention to this would also be suggested, in an instance where approval were to be granted.

Taking the above into account, it is considered that given the details submitted and those that could be requested by a suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 28 and 31 of the SELLP and Section 14 of the NPPF.

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 Spalding and the principle of residential development in this location is acceptable. Whilst this is an outline application with all matters reserved, 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. There are no material highway issues and an acceptable level of parking provision would appear capable of being achieved. Flood risk matters are considered to have been appropriately addressed at this stage, with surface water and foul drainage yet to be confirmed.

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

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 4, 11 and 17 of the SELLP. Therefore, this application is recommended for 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.