

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1065-22 **Applicant:** Mrs A Davies
Proposal: Residential Development
Location: Land North Of 178 Queens Road Spalding
Terminal Date: 27th March 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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the erection of one dwelling on land to the north of 178 Queens Road in Spalding.

Site Description

The application site lies to the southwestern side of Dawson Avenue, within Spalding. The site comprises a rectangular shaped plot of land, which used to be garden land associated with No.176 Queens Road.

The site would be accessed off Dawson Avenue and is located within a residential area which is surrounded by dwellings of varying designs.

History

No relevant planning history.

Consultation Responses

LCC Highways/SUDS

No objections

The proposed dwelling would be accessed from the end end of Dawson Avenue. This is a highway that is maintainable at the public expense and is considered to be suitable to serve the proposed development. The development will require the formation of a new vehicle access crossing but this would not be in a position where highway safety would be compromised. Two car parking spaces are shown on the submitted indicative block plan within the curtilage of the site. It would not be necessary for a vehicle turning space to be provided within the plot in this situation. 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

The Planning & Capacity Team provide comments on planning applications for major proposals of

10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout.

South Holland Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of a piped Board Maintained watercourse (DRN192P0209- A02 Coronation Channel Soke Dyke) adjacent to the northern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

It is unclear whether there are works proposed within 9m of the aforementioned Board maintained watercourse. If the applicant intends to erect or replace any structures (proposed or existing) within 9 metres, consent would be required under Byelaw 10 to enable this proposal. If consent is required, I recommend that the applicant contacts this office to make an application at their earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application.

Environment Agency

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Planning Considerations

Principle

The site is located within the settlement boundary of Spalding, which Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) identifies as an 'Sub-Regional Centre'.

Policy 1 goes on to state that within these settlements, development will be permitted that supports their roles as Sub-Regional Centres. This application seeks Outline Planning Permission for the erection of a single detached dwelling within land north of 178 Queens Road, in Spalding. The land was previously a residential garden associated with No.176 Queens Road. The site is immediately neighboured by residential properties to the north, east and south and is located within an area that is predominately residential in nature.

The principle of development is therefore considered to be acceptable in this instance, subject to all other planning matters that would be addressed in this application and any subsequent reserved matters applications. As such, the application is considered to be in accordance with Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the aims of the National Planning Policy Framework (NPPF, 2021).

Highway Safety

The proposed dwelling would be accessed from the end of Dawson Avenue. The development will require the formation of a new vehicle access crossing but this would not be in a position where highway safety would be compromised.

Whilst the proposal would result in outline permission for the erection of a single dwelling, which would give rise to an increase in vehicles and vehicular movement within the site, this would be a modest increase. The proposal would accommodate a site access, albeit with these details being reserved at present.

Lincolnshire County Council Highways, as local highway authority, have been consulted as part of this application and have expressed no objections to the principle of development. The applicant is directed towards the Lincolnshire County Council Design Approach and Development Road Specification, Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP, 2019) for the requirements for parking, visibility, turning within the site to allow vehicles to enter and leave in a forward gear and layout.

The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps, an area with a high probability of flooding. The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The proposed development is classed as 'more vulnerable' therefore it is necessary to complete the Exception Test.

Large parts of the South Holland district between the River Welland and River Nene lie within Flood Zone 3. As such, opportunities to undertake the development at an alternative site with a lower flood risk are limited.

The submitted flood risk assessment suggests mitigation measures including finished floor levels to be no less than 0.3m above typical site levels, with flood resilient and resistance measures to be incorporated along with the ground floor of the proposed dwelling not having habitable use or habitable rooms on the ground floor and the first floor finish levels to be no lower than 5.60m AOD. Subject to the recommendations detailed within the flood risk assessment, the proposed development would meet the requirements in relation to flood risk within the National Planning Policy Framework and Policy 4: Approach to Flood Risk in the South East Lincolnshire Local Plan.

Conditions have been recommended.

South Holland Internal Drainage Board has advised that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to propose to discharge surface water to a nearby watercourse. In this case, consent would be required under Byelaw 3. In addition, should the applicants' proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Other Matters

As this is an outline application with details of access for approval, matters such as appearance, layout, landscaping and scale are to be agreed as part of any subsequent reserved matters application. However, the Local Planning Authority has the following observations and considerations for any future reserved matters application.

Careful consideration will need to be given to the location and scale of the proposed dwelling to ensure that there will be no adverse impact of residential amenity of the neighbouring properties

Land Ownership - Concern was raised with regards to the ownership of part of the land, however the applicant stated and has provided all the relevant deeds and documentation proving the ownership of the land in question.

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 proposal represents an acceptable form of development within the settlement boundary of Spalding. It is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan (SELLP, 2019) in this regard. The proposed access arrangements are considered to be acceptable and the Local Highway Authority have not objected to the proposal. The proposal is considered to be acceptable in terms of flooding and drainage, subject to the imposition of conditions. Furthermore, it is considered that there is scope to bring forward a suitable scheme at reserved matters stage that does not materially impact the character and appearance of the streetscene, residential amenity or highway safety.

Overall, the planning balance is considered to be in favour of the proposal.

Conclusion

Approve.

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.