

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1158-22 **Applicant:** Mr J Parnell
Proposal: Proposed detached dwelling
Location: Rear Of 80 London Road Spalding
Terminal Date: 27th February 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
29	The Historic 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
Section 15: Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments
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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
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the erection of one dwelling on land to the rear of 80 London Road in Spalding.

Site Description

The site currently forms the detached garage of No. 80 London Road, Spalding. The site is accessed off St Thomas's Road 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 objection.

Comments: The proposed dwelling would be accessed by means of the existing vehicular access serving the garage to the rear of the host dwelling, from St.Thomas's Road. The residents of the host dwelling (having lost the use of the garage) would presumably park their vehicle at the front of their home on London Road. London Road here is wide enough to accommodate some on-street car parking without necessarily causing hindrance to the passage or the safety of other road users. It appears that it is the custom and practice of residents of this part of London Road to park their vehicles on the street. Indeed, it appears that the rear of the neighbouring property, number 81, has been developed in a similar manner to that being proposed in this Application - albeit the neighbouring property does have some off-street car parking at its London Road frontage. It would be desirable for there to be some off-street parking at the frontage of the host dwelling but such provision is not considered to be essential to make the proposed development acceptable in highway terms. Therefore, 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 so does not wish to object to this planning application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory

planning consultation response with regard to drainage and surface water flood risk on all Major applications.

This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Conservation Officer

I wish to raise no objection to this proposal from a heritage conservation perspective. Whilst the host property is within the Spalding Conservation Area (SCA), the actual proposal site is not, as the rear garden of the host property is bisected by the SCA boundary South East of the specific proposal site. Therefore, the proposal can only be considered to risk affecting the setting of the Conservation Area.

Assessing the proposal against the relevant section of P29 of the SELLP, it can be said that the site does not risk harm to any of the following within the adjacent SCA; historic street patterns, architectural features, protected trees or distinctiveness with regards to materials, height, massing, form, scale, townscape, roofscape, skyline, landscape or plot widths. Neither does the site feature in any prominent or important views into or out of the conservation area.

Therefore, the case officer should continue to consider the application in accordance with Policy 29 of the SELLP and Section 16 of the NPPF in addition to all other relevant policies and guidance.

Welland & Deepings IDB

Welland & Deepings IDB have no comment to make with regard to this application.

Residents

Two letters of representation have been received. The points raised can be summarised as follows:

- There are concerns regarding the flood risk, there have been a few floods that have not been referred to.
- The flood risk assessment is incorrect
- The drainage systems are overloaded
- The property will overwhelm and dominate the neighbouring properties
- It would block light
- Overlooking

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 currently serving an existing detached garage on land off St Thomas's Road within the residential garden of No. 80 London Road, in Spalding. The site is immediately neighboured by residential properties to the north, east, south and west 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 via an existing access off St Thomas's Road - a non-classified road.

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 and is therefore in a higher risk area. However, the site is located within an area of no hazard and no depth in the South East Lincolnshire Strategic Flood Risk Assessment (2017) (SFRA) for 2115 and is therefore not expected to be at increased risk of flooding in the future.

It should also be noted that the Internal Drainage Board have no comments to make on this application.

Other Matters

Based on the indicative block plan provided as part of this application, it is noted that whilst the proposed dwelling would be sited on garden land of No. 80 London Road, sufficient garden land would remain for the existing property and adequate private rear amenity space would be provided for the proposed dwelling.

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 the residential amenity of the neighbouring properties (No. 91a St Thomas's Road). The Local Planning Authority advise that a single storey dwelling of a similar scale and design to No. 91a St Thomas's Road would be the most appropriate for this site.

Representation has been received raising concerns regarding flooding issues and drainage issues. However, as stated above the site is located within an area of no hazard and no depth in the South East Lincolnshire Strategic Flood Risk Assessment (2017) (SFRA) for 2115 and is therefore not expected to be at increased risk of flooding in the future, and It should also be noted that the Internal Drainage Board have no comments to make on this application.

Representation has also been submitted with concerns regarding loss of light and overlooking, as this is an outline application this will be assessed if an reserved matters application is submitted.

Conservation

Whilst the host property is within the Spalding Conservation Area (SCA), the actual proposal site is not, as the rear garden of the host property is bisected by the Spalding Conservation Area boundary South East of the specific proposal site. Therefore, the proposal can only be considered to risk affecting the setting of the Conservation Area.

Assessing the proposal against the relevant section of Policy 29 of the SELLP, it can be said that the site does not risk harm to any of the following within the adjacent Spalding Conservation Area; historic street patterns, architectural features, protected trees or distinctiveness with regards to materials, height, massing, form, scale, townscape, roofscape, skyline, landscape or plot widths. Neither does the site feature in any prominent or important views into or out of the conservation

area. It should be noted however, the trees within the application site could fall within the Conservation Area and would therefore require permission to carry out any works to the trees.

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.