DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0390-22**	**Applicant:**	**Mr J Negus**
Proposal:	Residential Development - Erection of Single Storey Dwelling		
Location:	Rear Of Croft House 98 Stone Gate Cowbit		
Terminal Date:	9th June 2022		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	1	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline with some matters reserved application for the erection of a single storey dwelling on land to the rear of Croft House, 98 Stone Gate, Cowbit. The only matter that this application seeks to secure is the location of the proposed access.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits on paddock land to the rear of residential garden. To the west of the site up to 45 dwellings have been given outline planning permission under reference H01-0871-18, with 32 dwellings constructed to the south of the site. To the north of the site are open fields, with the A16 to the east beyond the paddock, and the host dwelling Croft House at 98 Stone Gate to the south. The plot is predominately in Environment Agency Flood Zone 2, with Flood Zone 3 to the north and eastern boundaries. On the 2115 South Holland Strategic Flood Risk Mapping the site is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.25 metres.

HISTORY

None

CONSULTATION RESPONSES

SHDC - Environmental Protection

"No comments or objections."

South Holland Internal Drainage Board

Requests a drainage strategy. This matter can be addressed by condition .

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.
In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

When assessed against the above criteria the following can be observed:

Whilst the proposal is not an allocated site or infill, the adjacent site to the west outside of defined settlement limits has outline approval for 45 dwellings under reference H01-0871-18. To the south of Croft House on the opposite side of Stone Gate, 32 dwellings were approved and have been built under reference H01-0924-18. Neither of the sites were a proposed housing area when the defined settlement limits for Cowbit were drawn under the 2019 South East Lincolnshire Local Plan. It is considered that given the adjacent dwellings there would not be a material impact on the built

character of the surrounding area by siting a dwelling within this plot.

Economic - The proposal would generate short term construction employment.
Community - The proposal would help support local services.
Environmental - The proposal would not constitute an isolated dwelling, is served by a footpath to the front of the site and is within walking distance of a variety of goods and services.

The proposal is considered to accord with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout would be assessed at reserved matters stage. There are a small number of trees to the front of the site that would be removed to facilitate the access route. Given that there is a large amount of development proposed to the west of the site, provided an appropriate design is brought forward at the reserved matters stage there is not considered to be a material impact on the character and appearance of the surrounding area.

4. The access is considered to be appropriately sited with good visibility in both directions from the entry / exit point. There is adequate space on site to provide 3 off road parking spaces in accordance with Appendix 6 of the SELLP.

5. The proposal is not considered to impact upon existing community services and infrastructure.

7. The plot is predominately in Environment Agency Flood Zone 2, with Flood Zone 3 to the north and eastern boundaries. On the 2115 South Holland Strategic Flood Risk Mapping the site is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.25 metres. A soakaway is proposed for surface water with foul water drainage method currently not stated. South Holland Internal Drainage Board requests a drainage strategy. This matter can be addressed by a condition for submission at the reserved matters stage.

The proposal is considered to accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. Provided the dwelling is appropriate designed, due to the dwelling being sited away from Stone Gate a sense of place is not considered to be impacted by the proposal. The size, scale and layout would be assessed at reserved matters stage. There are a small number of trees to the front of the site that would be removed to facilitate the access route. Given that there is a large amount of development proposed to the west of the site, provided an appropriate design is brought forward at the reserved matters stage there is not considered to be a material impact on the character and appearance of the surrounding area.

5. There is ample space within the plot for bin and cycle storage. There is adequate space on site to provide 3 off road parking spaces in accordance with Appendix 6 of the SELLP.

12. The plot is predominately in Environment Agency Flood Zone 2, with Flood Zone 3 to the north and eastern boundaries. On the 2115 South Holland Strategic Flood Risk Mapping the site is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.25 metres. A soakaway is proposed for surface water with foul water drainage method currently not stated. South Holland Internal Drainage Board requests a drainage strategy. This matter can be addressed by a condition for submission at the reserved matters stage.

The proposal is considered to accord with SELLP Policy 3.

Flood Risk

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 Zones 2 and 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within a combination of the 'low hazard' and 'danger for some' hazard zones, with predicted flood depths of up to 0.25 metre at the northern end of the site.

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 immediately adjacent to recently approved small estates to the south and west of the site. 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 300mm above ground level with a preference for a two storey dwelling. 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 foul water drainage still to be decided. South Holland IDB has requests a drainage strategy condition. 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.

PLANNING BALANCE

Whilst there is normally a policy of restraint on development outside of defined settlement limits, two small estates have recently been approved to the west and south of the plot under H01-0871-18 and H01-0924-18 respectively. It is considered that by virtue of the adjacent estates and the site to the rear of the existing dwelling, there will not be a material impact on the character and amenity of the surrounding area if an appropriate design is brought forward at the reserved matters application stage. This application is considered to accord with Policies 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, 2021.

CONCLUSION

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.