

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H06-0259-19 **Applicant:** Mr & Mrs G Fitt
Proposal: Residential Development - 2 plots - outline approval H06-0296-17
Location: The Forge Main Road Gedney Drove End
Terminal Date: 30th May 2019

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
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has outline approval for residential development (2 plots). Reserved matters approval is now sought for 2 no. 3 bed houses with accommodation on the first floor to address flood risk. In accordance with the terms of the outline permission existing buildings at the rear would be retained and used for a purpose in conjunction with the southernmost dwelling.

Site Description

The site, a former blacksmiths, is situated on the junction of Main Road and Dawsmere Road. A house (former public house - The Wildfowler on the Wash) is situated to the west and a bungalow to the north. Residential properties are also situated opposite.

Representations

Gedney Parish Council - No observations

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Environment Agency - Recommended at the outline stage that the ground floor not be used as living accommodation and withdrawal of permitted development rights.

Public - No comments received.

Site History

H06-0296-17 - Outline - Residential Development (2 plots) - Granted 19 June 2019.

Planning Considerations

The site has outline approval for 2 plots (ref. H06-0296-17). The principle of 2 dwellings upon the site has therefore been established.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. Consequently, a flood risk assessment was submitted at the outline stage and a sequential test undertaken.

Re-addressing the above, 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. However, the maps are broad brush and do not take into account any flood defences. 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 SFRA indicates that the site is within an area identified as "Danger for All". However, it is not possible, consistent with wider sustainability objectives, for the development to be located elsewhere within Gedney Drove End with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, consideration of the wider sustainability issues draws on the criteria for assessing the effects of the South East Lincolnshire Local Plan Documents (defined in the Sustainability Appraisal Scoping Report). This document provides the most localised criteria for considering wider sustainability issues within South East Lincolnshire. The site is within Gedney

Drove End Settlement Limit as defined within the South East Lincolnshire Local Plan 2019. limited infill development is needed in this area to help sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing to meet the needs of the settlement, as required by the National Planning Policy Framework.

Concerning the second element, the SHDC Strategic Flood Risk Assessment Hazard Mapping shows that flood depths of greater than 1.6m impact on the application site when considering the 2115 0.5% breach scenario. On this basis, the EA recommended at the outline stage that dwellings must be a minimum of two-storey with no ground floor habitable accommodation.

The submitted plans have been designed to address the above. Whilst the design of the properties differs from typical dwellings within the locality they do have a coastal/maritime theme. Moreover, their appearance is not dissimilar to an existing building on the opposite side of Main Road. The properties have an interesting appearance and it is considered that the proposed houses would not materially harm the character or appearance of the centre the village.

In terms of amenity, the dwellings have kitchen/dining room and bedroom windows on their rear elevations facing the property to the west. However, there are existing buildings and also a tree along the common boundary that offer protection. Boundary screening is also proposed along the rear boundary and there is existing fencing along the northern boundary. It is considered that the proposed dwellings can be accommodated upon the site without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

The County Highways Authority has raised no objections to the amended plans on highway safety grounds.

In conclusion, therefore, the submitted details are considered to be acceptable. A further application will need to be submitted to discharge outstanding conditions such as contamination.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.