

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0083-20 **Applicant:** Mr & Mrs J Price
Proposal: Pair of semi-detached dwellings
Location: 19 Crown Avenue Holbeach St Marks Spalding
Terminal Date: 1st June 2020

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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
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	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a pair of 3 bed semi-detached houses with finished floor levels 1 metre above existing ground level to address flood risk. An existing access to No 19 Crown Avenue would be utilised to gain access to the site.

Description

The site is located at the far (eastern) end of Crown Avenue and is currently garden associated with No. 19 (bungalow). Semi detached houses are located to the east off Strawberry Fields and semi detached houses to the south off Crown Avenue.

Policies/Constraints

The site is within the settlement limit for Holbeach St Marks (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan (March 2019).

Within Flood Zone 3 as defined in the Environment Agency Flood Maps. It is designated as "Danger for Most" within the South East Lincolnshire Strategic Flood Risk Assessment.

Consultation Responses

Holbeach Parish Council - No objections.

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

SHIDB - Request a drainage strategy.

Environment Agency - Recommend that each dwelling shall be a minimum of two storeys and FFLs be set at least 1 metre above existing ground level, with flood resilient construction to a height of 300mm above the predicted flood depth and 600mm demountable defences.

Environmental Protection - No comments or objections.

Public - Objection received from resident (summarised):

Loss of privacy/overlooking; prison height fence; overshadowing during afternoon and evening; New development should not be permitted in isolated coastal villages such as Holbeach St Marks due to flood risk and rising sea levels as a result of climate change.

Planning Considerations

The main issues in this case are:

- Policy/principle;

- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Flood risk.

Policy/principle

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 proposed development is inside Holbeach St Marks Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Minor Service Centres, including Holbeach St Marks, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

The site constitutes a form of infilling within the existing village fabric. No objections are therefore raised in principle to development in this location.

Character/appearance

The site is located at the far (eastern) end of Crown Avenue and is currently garden associated with No. 19 (bungalow). With the exception of No. 19 itself many of the properties within Crown Avenue itself are houses, including semi-detached houses on the southern side and also adjoining to the south. Semi detached-houses are also located to the east off Strawberry Fields.

The proposal consists of a pair of semi-detached houses, similar in this respect to existing development nearby. However, they would have raised floor levels to address flood risk, resulting in a ridge height of approximately 9 metres. This would be higher than neighbouring development. Whilst the proposal would have an impact upon the character/appearance of the area, it is considered that it would not be material. As such, there is not sufficient reason to justify a refusal of planning permission on grounds that it would be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of character/appearance.

Amenity

Semi detached houses are situated to the east off Strawberry Fields and a pair of semi-detached houses immediately to the south. The former have rear windows and gardens facing the site.

The proposed houses have kitchen windows/patio doors (ground floor) and bedroom windows (first floor) on their rear elevations. Landing windows are located on the gable ends at first floor level. The proposed properties have rear garden depths ranging between 10.7 and 11.8 metres. The semi-detached houses to the rear have a garden depth ranging between 7.5 and 11.1 metres. The separation distance between the rear of the proposed houses and the rear of the properties to the east is approximately 20 metres at the nearest point, which is normally considered to be an acceptable distance in respect of back to back development. 2.3 metre high close boarded fencing (plus 0.5m trellis) is proposed along the rear (eastern) boundary to help address overlooking from ground floor level due to FFLs being raised 1 metre to address flood risk. Whilst such fencing is rather high, its impact would be reduced by virtue of the incorporation of trellis fencing. The nature of the proposed development, separation distances and boundary treatment are considered to be such that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc.

The scheme is not therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway safety

The proposed access is off Crown Avenue and would be shared with No.19. Each semi-detached house would have 3 parking spaces. No 19 would be left with sufficient space for parking. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

The proposal is in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of parking/highway safety.

Drainage

Foul water would be disposed of via a private package treatment plant and surface water via crate soakaways.

Flood risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency 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. The South East Lincolnshire Strategic Flood Risk Assessment (Feb 2017) is therefore used to apply the sequential test. In this respect, the site is in an area designated as "Danger for Most". However, it is not possible, consistent with wider sustainability objectives, for all new housing within the district to be delivered within an area of no risk and this is not the most severe category.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should 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.

In terms of the first element, 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 within the district to meet the needs of the population, as required by the National Planning Policy Framework. The site is within Holbeach St Marks settlement limit within the South East Lincolnshire Local Plan, 2019, which makes provision for frontage infill to help sustain the village.

In terms of the second element, Fluvial and Tidal Depth Mapping indicates a depth of 0.5-1m, so FFLs should be set at 1m above existing ground level. Flood resilient construction should also be incorporated within the development up to 300mm above the predicted flood depth. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Conclusion

The proposal satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South east Lincolnshire Local Plan, 2019, subject to mitigating conditions. It is therefore recommended that the application be approved under delegated powers.

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.