DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0249-19**	**Applicant:**	**Mr J Gisborne**
Proposal:	Erection of detached dwelling		
Location:	Land At Foxes Low Road Holbeach Spalding		
Terminal Date:	7th October 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of a detached dwelling on land at Foxes Low Road, Holbeach. The application has been subject to a minor amendment of the overall boundary regarding ownership concerns. This matter is now considered to have been addressed. A subsequent amendment was made to clarify fenestration location.

This plot is number 2 on a wider scheme for a larger residential scheme on an area of land to the north of Foxes Low Road. At ground floor level the dwelling will have a combined kitchen / dining / living area as well as a garage with glazed covered patio to the rear, lobby, study and a water closet. Five bedrooms, an en-suite, bathroom and a play area will be provided at first floor level. Materials of construction, landscaping and boundary treatment would be addressed by condition. A minor amendment has been made to the site layout and boundaries of other plots and this application is being considered in the context of those amendments. No amendments have been made to the proposed layout of Plot 2.

Site Description

The proposal is within defined settlement limits and is in a proposed future housing area under reference Hob004. The surrounding area is predominately rural and characterised by buildings of varying ages and design. The proposal site is in Flood Zone 3 on the Environment Agency Flood Maps, and is in a 'Low Hazard' area with a maximum predicted flood depth of 0.25 metres on the 2115 South East Lincolnshire Strategic Flood Risk Mapping. Finished floor levels will be set at 300mm above existing ground level.

History

None

Consultation Responses

Fleet Parish Council

Please note this is a Holbeach planning matter, not Fleet.

Holbeach Parish Council

Objects - Considers the site to be unsustainable. The proposal is within defined settlement limits and is in a proposed future housing area under reference Hob004. It has therefore been established that the site is in a sustainable location.

Environmental Protection Officer

Requests full land contamination condition.

South Holland Internal Drainage Board

Board consent is required as part of the works are located within 9 metres of a Board maintained watercourse.

Environment Agency

This proposal falls under F8 of the local flood risk standing advice and does not require a

consultation response from the Environment Agency.

Member of the public - 1

Drainage concerns.

Councillor Biggadike

Has drainage queries that will be addressed by a drainage condition.

Agent response - Drainage

In an email dated 06 August 2019, the agent explained how drainage on site would be addressed. Foul water would be treated by bio discs, storm water is into existing drainage canals, with surface water discharged to a new sewer.

Planning Considerations

Principle of Development
Protected Species Report
Flood Risk
Design

Principle of Development

The application is within a proposed future housing area. Therefore, it has been assessed by the Planning Policy Department during the development of the SELLP, that this area is an appropriate location for housing and meets local and national sustainability objectives.

Protected Species Report

The Protection Species Report does not generate any concerns as there is no knowledge of any protected species on site.

Flood risk and drainage

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. 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. Paragraph 158 of the National Planning Policy Framework advises that: "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." 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 site, as situated, 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 Holland Strategic Flood Risk Assessment (2017) is therefore used as a basis to apply the sequential test. In this respect, the site is located within an area identified as "Low Hazard". 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 the least severe category. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

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

should be applied. 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, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing in sustainable locations within the district. In terms of the latter, the Flood Risk Matrix has recommended that the finished floor levels (FFLs) of property be set at least 300mm above existing ground level.

Design

There is not considered to be a material overlooking aspect from the west facing first floor window serving the play area to plot 3 as there is a sizeable separation distance to the private road in-between serving plot 5 to the rear.

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.