

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H09-0690-19      **Applicant:** Mr A Rowe

**Proposal:** Residential development comprising 7 dwellings - approved under H09-1062-18. Modification to allow amendments to previously approved plans (retrospective).

**Location:** 114 Spalding Road Holbeach Spalding

**Terminal Date:** 13th September 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      |
| 11         | Distribution of New Housing |
| 28         | The Natural Environment     |
| 30         | Pollution                   |
| 36         | Vehicle and Cycle Parking   |
| APPENDIX 6 | Parking Standards           |

#### National Guidance

#### National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 12, 14 and 15

### Representations:

|                | Object | Support | No Obj. | Comments |
|----------------|--------|---------|---------|----------|
| PARISH COUNCIL | 0      | 1       | 0       | 0        |
| WARD MEMBER    | 0      | 0       | 0       | 0        |

### CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for 7 dwellings, consisting of three pairs of 3 bed semi-detached houses and a single 4 bed house (ref: H09-0190-18). The proposal essentially relates to design alterations on plots 3 and 4, including an alteration of the roof.

### **Site Description**

The site was formerly garden associated with 114 Spalding Road. A number of trees are situated upon it.

### **History**

H09-0442-16 - O/A - Residential development - five dwellings - Granted 26 September 2016

H09-0257-17 - S73 - Residential Development - Five dwellings approved under H09-0442-16. Modification of Condition 2 to allow amendments to previously approved plans - Granted 17 May 2017.

H09-0190-18 - Full - Residential development comprising 7 dwellings - Granted 26 April 2018.

H09-1062-18 - S73A - Residential development comprising 7 dwellings - Granted 19 December 2018.

### **Consultation Responses**

Holbeach Parish Council - No objections.

### **Planning Considerations**

The site already has the benefit of full planning permission for residential development (ref. H09-0690-19), which has been implemented. No objections are therefore raised in principle.

The alteration of the roof on plots 3 and 4 is in line with the remainder of the dwellings on site. The proposed alterations are relatively minor and would not materially harm the character/appearance of the locality.

The nearest residential property is the former owner's dwelling fronting the site. Residential development is situated opposite. It is considered that the amended scheme would not materially harm the amenity of neighbouring residents in terms of such matters as overlooking, lack of privacy, overbearing effect, overshadowing, etc.

It is appreciated that dwellings opposite may suffer some noise and disturbance during the construction phase and also by traffic entering and leaving the site. However, this is not considered to be such as to justify refusal given that ambient noise levels are relatively high as a result of traffic noise from vehicles using Spalding Road. If problems were to arise during the construction phase they could be addressed through separate environmental legislation.

The revised scheme has no significant implications from a highway safety point of view. LCC Highways raised no objections to the original scheme.

In terms of flood risk, 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 "Danger to Some". 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 a less severe category.

It is considered that there are not a sufficient number of 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. 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, the proposal is within Holbeach Settlement Limit as defined in the South east Lincolnshire Local Plan, 2019. It 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.

Regarding the second element, the flood risk assessment indicates that the ground floor level of the proposed dwellings should be approximately 300mm above existing ground level at a level of 3.70m OD and all bedrooms should be at first floor level.

Foul water would be disposed of via mains sewer and surface water via soakaways.

## **Conclusion**

The proposed revisions are relatively minor and are considered acceptable on visual and residential amenity grounds.

## **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.

Recommendation - That the application be approved under delegated powers, subject to conditions.