

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0076-22 **Applicant:** Loosegate Developments (Long Sutton) Ltd.

Proposal: Residential Development of approximately 215 dwellings - approved under H11-1207-17. Modification of Condition 12 to allow amendments to wording relating to Flood Risk Assessment

Location: Land Between Seagate Road & Wisbech Road Long Sutton Spalding

Terminal Date: 4th May 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk

National Guidance

National Planning Policy Framework 2021

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Application ref. H11-1207-17 was granted in 2019 subject to a number of conditions, including that specifying that the development shall be carried out in accordance with the approved Flood Risk Assessment (FRA)(Condition 12). That assessment required the following flood risk mitigation measures:

- Finished floor levels of the proposed development will be set no lower than 3.7mAOD, maximum of 800mm above existing ground level.
- Flood resilient and resistance measures will be incorporated into the development.
- The development will be two storey.

The applicant has now submitted a revised FRA as the flood depths indicated in the South East Lincolnshire Strategic Flood Risk Assessment (2017) are not such that the development has to comprise of solely two storey dwellings. Single storey dwellings can be included, provided that finished floor levels are raised by 1m.

The proposal is therefore to revise Condition 12 of the outline to include the following mitigation measures:

- Finished floor levels shall be set no lower than 3.7 metres above Ordnance Datum (AOD) for the two storey dwellings.
- Finished floor levels for the single storey dwellings shall be set a minimum of 1 metre above existing ground levels.
- Flood resilient and resistance construction methods shall be incorporated to a minimum height of 300mm above the predicted flood level.

Site Description

The application site stretches between Seagate Road (on the west) and the B1359 / Wisbech Road (to the east). The land is currently farmed and forms part of a wider agricultural unit. The area of land measures approximately 10.6 hectares. There are open fields views to the south and partially to the east, frontage development to Seagate Road either side of the site and a grassed strip of land with ditches and dense hedgerow to the northern boundary. There are residential properties also to the north.

History

H11-1207-17 - Outline - Residential development of approximately 215 dwellings (approved September 2019)

H11-0882-21 - Full - Erection of 9 Dwellings (approved February 2022)

Consultation Responses

Long Sutton Parish Council - Requests a financial contribution towards various projects in the town.

Environment Agency - No objection subject to the development being carried out in accordance with the recommendations of the new submitted flood risk assessment.

South Holland Drainage Board - Having reviewed the associated documents, the Board has no comments to make in relation to the modification of conditions. However, the Board has been in correspondence with a contractor for the site to advise that Land Drainage Consent will be required to discharge surface water to a watercourse under Byelaw 3. The Board is expecting an application in due course.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The modification to Condition 12 being proposed in this Application is a matter for determination by the Environment Agency.

Planning Considerations

The flood risk mitigation measures set out in the revised FRA are in accordance with the flood depths identified in the South East Lincolnshire Strategic Flood Risk Assessment (2017) and the Environment Agency have raised no objections. The application therefore satisfactorily complies with Policies 2, 3 and 4 of the Local Plan in flood risk terms.

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.

Conclusion

The application satisfactorily complies with Policies 2, 3 and 4 of the Local Plan in flood risk terms, therefore the recommendation is for a delegated approval.