

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0370-21 **Applicant:** Mr J Rooke
Proposal: Residential Development
Location: Adj. Four Acres Beck Bank West Pinchbeck
Terminal Date: 2nd June 2021

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2021)

5 - Delivering a sufficient supply of homes

12 - Achieving well-designed places

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
---------------	---	---	---	---

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline application for residential development on land adjacent Four Acres, Beck Bank, West Pinchbeck. The indicative proposal shows two dwellings accessed by the existing access, with a further dwelling to the north served by a new vehicular access. All matters are reserved.

SITE DESCRIPTION

The proposal site is on residential garden land within defined settlement limits. The surrounding area is characterised by linear development of varying ages and designs. The site is Environment Agency Flood Zone 3 and is subject to a "Danger for Most" hazard area at the rear of the site, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. Therefore, any reserved matters application would be required to have dwellings at a minimum finished floor level of 500mm above ground level.

HISTORY

H14-0336-18

Outline - Residential Development - Approved - 04 June 2018.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

"I understand that this is an Outline Planning Application for the erection of 3 no. dwellings with all matters reserved for later approval, as shown on the proposed site layout drawing number: 3300-18/03 dated March 2021, albeit indicative only."

"In principle, the proposal would seem acceptable and in order to support any further application of reserved matters, the applicant would clearly need to demonstrate that the existing access to serve plots 2 and 3 can be widened to 4.1 metres minimum to allow for the safe passage of two-way vehicular movements and will remain a private drive."

"As the proposed development would require the provision of a new access for plot 1, the applicant would need to submit details demonstrating these access arrangements and the applicant needs to note on the drawing that the access will be constructed in accordance with the LCC Specification. Additionally, the applicant would need to demonstrate suitable clear visibility splays of 2.0 x 43.0 metres in both directions in accordance with Manual for Streets, so that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre."

"Additionally, consideration needs to be given for the parking facility of 2 parking spaces for a dwelling with three bedrooms or less and 3 parking spaces for a dwelling with four bedrooms or more and sufficient turning within the site to allow vehicles to enter and leave in a forward gear. The applicant also needs to consider an area for the storage of bins for kerb side collection as a refuse truck will not enter a private drive for plots 2 and 3."

"As this is a Minor Application, the applicant will need to provide sufficient information to demonstrate to the Local Planning Authority that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate any concerns with flooding of the properties, adjacent properties and surrounding land."

SHDC - Environmental Protection Officer

"As per the previous application, I request the standard land contamination condition at this location."

Black Sluice Internal Drainage Board

"Rainfall runoff - It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Due to the proximity of adjacent properties, careful design and location of any soakaway structures should be considered to ensure that there is no adverse effect on any surrounding land. Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site. Discharge to any watercourse will require prior written consent from the Board."

"Site Ground Levels - the existing ground level of the site should NOT be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties"

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Other Service Centres and Settlements. This section of the policy states:

"Within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill."

When assessed against the above criteria the following can be observed:

This is a site that has previously benefitted from outline planning permission under reference H14-0336-18. Whilst the proposed layout is not solely frontage infill, the site is entirely within the defined settlement limits, and therefore the principle of development in this location is considered to be acceptable.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, layout and density of the proposal cannot be accurately assessed at this stage, as the application is outline with all matters reserved. The scale of site is such that it could accommodate three dwellings if they are appropriately sited. If an appropriate design is brought forward at the

reserved matters stage the character and appearance of the surrounding area should not be materially impacted.

2. The design and orientation of the proposal cannot be accurately assessed at this stage, as the application is outline with all matters reserved.

3. Proposed materials cannot be accurately assessed at this stage, as the application is outline with all matters reserved.

4. Access and vehicle generation levels of the proposal cannot be accurately assessed at this stage, as the application is outline with all matters reserved. However, it is expected that the number of off road parking spaces accords with the minimum amount of two for a dwelling with three bedrooms or fewer, or three spaces for dwellings with four bedrooms or greater under Appendix 6 of the SELLP.

5. It is not considered that this scale of development would materially impact existing community services and infrastructure.

6. Impact from noise, odour, disturbance or visual intrusion cannot be accurately assessed at this stage, as the application is outline with all matters reserved.

7. The site is Environment Agency Flood Zone 3 and is subject to a "Danger for Most" hazard area at the rear of the site, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. Therefore, any reserved matters application would be required to have dwellings at a minimum finished floor level of 500mm above ground level. The Internal Drainage Board have commented on soakaway and finished floor level matters, and they would be addressed by the imposition of a full drainage strategy and a finished floor levels condition.

This applications accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;

14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not considered by the principle of development on this site which is in defined settlement limits. A full assessment of a potential impact on a sense of place would take place at the reserved matters application stage.
5. If appropriately designed there should be adequate space on site for refuse bins, cycle storage and off road car parking without materially impacting amenity or character.
11. Impact from noise, odour, disturbance or visual intrusion cannot be accurately assessed at this stage, as the application is outline with all matters reserved.
12. The site is Environment Agency Flood Zone 3 and is subject to a "Danger for Most" hazard area at the rear of the site, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. Therefore, any reserved matters application would be required to have dwellings at a minimum finished floor level of 500mm above ground level. The Internal Drainage Board have commented on soakaway and finished floor level matters, and they would be addressed by the imposition of a full drainage strategy and a finished floor levels condition.

This application accords with SELLP Policy 3.

Flood Risk/Drainage

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3a and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within the 'danger for most' hazard zone, with predicted flood depths of up to 500mm.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for West Pinchbeck. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

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 a sustainable location within the

district. In terms of the latter, the properties must have finished floor levels (FFLs) be set at least 500mm above existing ground level. Flood resilient construction should also be incorporated within the development up to 300mm above finished floor level. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaway. There are no known permeability issues in this area that would preclude the use of soakaways. Foul drainage details will be conditioned.

PLANNING BALANCE

The site is within defined settlements so the principle of development on this site is considered to be acceptable. It is considered that an appropriate design can be brought forward at the reserved matters stage with finished floor levels of 500mm that does not materially impact the character and amenity of the surrounding area. The proposal is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.