

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0771-19 **Applicant:** Mr S Healey
Proposal: Proposed pair of semi-detached dwellings
Location: Land Adjacent: 12 Dozens Bank West Pinchbeck Spalding
Terminal Date: 1st 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 and 14 of the National Planning Policy Framework (2019)

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for a proposed pair of semi-detached dwellings on land adjacent 12 Dozens Bank, West Pinchbeck. The proposal seeks to provide two-semi detached frontage infill dwellings utilising an existing access to the rear of the site.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

History

H14-0965-86

Outline - Two residential building plots - Approved - 18 November 1986

H14-0938-87

Reserved Matters - Erection of two houses and garages - Approved - 12 October 1987

H14-1214-02

Full - Two storey side extension and front porch - Approved - 03 January 2003

Consultation Responses

County Highways & SUDS Officer

Requested visibility splays in error. The site is to be accessed by an existing road to the rear of the existing semi-detached dwellings at Dozens Bank.

Welland & Deepings IDB

Requests full drainage strategy.

Environmental Protection Officer

Requests contaminated land condition.

Planning Considerations

- Principle of development
- Flood / drainage

Principle of development

The proposal is within the defined settlement limits of West Pinchbeck, therefore, the principle of development on this land is considered to be acceptable. This application is for housing development on residential garden land, which is no longer classified as brownfield land. The reason for this change is to give Local Planning Authorities the opportunity to resist inappropriate development of residential gardens where it would cause harm to the local area. However in all other respects this proposal is considered to be acceptable. As such, it is considered to be a suitable site for residential development in line with Policies 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019.

Flood / 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 no hazard, with no predicted flood depth on the 2115 South Holland Strategic Flooding Map. 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 Environment Agency has recommended that the properties be two-storey and that finished floor levels (FFLs) be set at least 500mm above existing ground level.

With regard to drainage, Welland and Deepings Drainage Board has requested submission of a full drainage strategy with any reserved matters / full application.

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.