CHAIRMAN'S PANEL Held On: Unrecognised Format

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|---|---|---|---|
| **Application No:** | **H14-0806-19** | **Applicant:** | **Mr A Rowe** |
| **Proposal:** | Erection of 4 bungalows - outline approval H14-0666-16 | | |
| **Location:** | Spalding Road Pinchbeck Spalding | | |
| **Terminal Date:** | 25th 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 | 1 | 0 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |
| RESIDENTS | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| **Route for determination of application** | **Delegated** | X | **Committee** | |

## CASE OFFICER ASSESSMENT

### Proposal

This is a reserved matters application for four bungalows on land off Spalding Road, Pinchbeck. The proposal seeks to provide 4 bungalows that would be accessed from an existing vehicular access off Spalding Road. Outline approval was granted for the site under reference H14-0666-16. The proposed finished floor level for the bungalows is 500mm above existing ground level with 1.8 metre high close boarded boundary fencing around the site.

Plot 1 is sited adjacent to the site entrance and will contain three bedrooms, an en-suite, living room, kitchen / diner, utility, bathroom and recessed garage attached to the side of the property.

Plot 2 is beyond Plot 1 to the east and will contain three bedrooms, an en-suite, living room, kitchen / diner, utility, bathroom and detached garage to the rear of the garden.

Plot 3 is further to the east of Plot 2 and will contain three bedrooms, an en-suite, living room, kitchen / diner, utility, bathroom and recessed garage attached to the side of the property.

Plot 4 is in the top north east corner, north of Plot 3 and will contain three bedrooms, an en-suite, living room, kitchen / diner, utility, bathroom and detached garage to the side of the property.

### Site Description

The proposal site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. A recently approved Section 73 proposal under reference H14-0041-19 adjacent to the proposal site sought demolition of vacant industrial buildings and erection of up to 5 detached houses to the south of this site. The buildings have already been removed from the site with the land currently being cleared.

### History

H14-0666-16

Outline - Erection of up to 4 dwellings - Approved - 05 September 2016

H14-1187-17 To south of proposal site

Outline - Demolition of vacant industrial buildings and the erection of up to 5 detached houses - Approved - 05 February 2018.

H14-0041-19 To south of proposal site

Section 73 - Demolition of vacant industrial buildings and erection of up to 5 detached houses - approved under H14-1187-17 - Modification of Conditions 2 and 5 to allow amendments to previously approved plans - 07 March 2019.

H14-0683-19

Outline - Outline application for up to four dwellings - Approved - 22 August 2019.

### Consultation Responses

Lincolnshire Fire & Rescue

No longer objects to proposed load bearing capacity of access road.

Member of the public - 1

Traffic at entrance to site.
Placing of rubbish and recycling location.

County Highways & Officer

No objections

**Planning Considerations**

Principal of development
Flood
Traffic
Rubbish and recycling location

Principle of development

The site is within the defined settlements of Pinchbeck and there are a number of dwellings granted outline planning approval to the south of the proposal site. A dwelling in this location would therefore not be considered to create a precedent or impact the character of the surrounding area.

Flood risk

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 "Danger for Some" with a maximum predicted flood depth of 0.5m. 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 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.

Traffic

There is not considered to be a material increase in traffic arising from the proposal. The is not

considered to be an impact on highway safety arising form utilising the existing access. There is adequate visibility in both directions of Spalding Road that is 30mph in this section, and the County Highways & SUDS Officer has expressed no objections.

Rubbish and recycling location

The site can be adequately accessed by refuse vehicles and a condition will added to identify the exact location of the refuse location.

## 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.