

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H16-1069-20	Applicant:	Mrs I Michalec
Proposal:	Residential Development - 4 single storey dwellings - re-submission of H16-0461-20		
Location:	42 Spalding Common Spalding		
Terminal Date:	20th January 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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

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
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the residential development of 4 single storey dwellings on land at 42 Spalding Common, and is a re-submission of H16-0461-20. Plots 1 and 2 would be served by the existing vehicular access, with plots 3 and 4 served by a new access to the north of the site, and the existing dwelling also served by a new access. The submitted indicative plans are solely to assess the principle of development, save for the location of the new accesses.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The site is in Environment Agency Flood Zone 3 and within a Danger for Some hazard area, with a maximum predicted flood depth of 1 metre to the rear of the site and 0.25 metres toward the frontage on the 2115 South Holland Strategic Flood Risk Mapping.

Six applications for new dwellings on nearby land to the north, east (rear) and south have been approved in the last five years.

History

H16-1010-97

Outline - Replacement dwelling and garage - Approved - 02 January 1998.

H16-0900-98

Full - Demolition of existing and construct replacement dwelling with detached double garage - Approved - 10 December 1998.

H16-0461-20

Outline - Erection of 4 single storey dwellings - Approved - 07 August 2020.

Consultation Responses

SHDC - Environmental Protection Officer

No objections on previous application H16-0461-20.

LCC - County Highways & SUDS Officer

No objections. Requests standard access and utility informatives on previous application H16-0461-20.

Welland & Deepings Internal Drainage Board

Requests a full drainage strategy condition for submission at the reserved matters stage.

Planning Considerations

Principle of development

Policy 1 of the SELLP is titled Spatial Strategy and states "Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres." Spalding is the largest settlement in the district and development within the settlement boundary is considered to be sustainable and an area that can provide future residents with a large number of services and job opportunities, as well as access to public transport. The proposed development would comply with the aims of Policy 1.

Policy 2 of the SELLP is titled Development Management and 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; and
9. impact on the potential loss of sand and gravel mineral resources.

Design of dwellings cannot be assessed at this stage as the proposal is solely to assess the principle of development and agree the access location, which the County Highways Officer has no objection to. Flood Risk mitigation would be addressed by siting finished floor levels a minimum of 1 metre above existing ground level.

The principle of development is acceptable in this location. The site is within the defined settlement limits of the largest settlement in the district and the entirety of the proposal site is in residential use.

Drainage

This is a matter that would be assessed via a full drainage condition for further consultation at the reserved matters application stage with the County SUDS Officer, Welland & Deepings IDB and Anglian Water.

Overlooking and overshadowing

It is not considered if sensibly designed that any material overlooking or overshadowing should arise from this proposal. The submitted layout, save for the access, is purely indicative and even with raised finished floor levels, solutions to these matters can be found at the reserved matters stage, if fenestration is sensibly orientated.

Highway safety

The County Highways Officer has no objections to the submitted access location and expressed no concerns regarding highway safety.

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 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 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 a sustainable location within the district. In terms of the latter, the Environment Agency has stated that the site is not within their remit for consultation on previous outline application H16-0461-20. The submitted FRA proposes finished floor levels of 3.60mAOD and this is considered to be acceptable mitigation for the site.

Detrimental impact on character of surrounding area

There is not considered to be detrimental impact on the character of the surrounding area. A large number of windfall sites have been approved nearby under references H16-1110-15, H16-1116-16, H16-0668-16, H16-1000-16, H16-1156-16 with many for single storey dwellings with similarly raised finished floor levels.

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.