

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H02-0207-20	Applicant:	Mr M Smith
Proposal:	Erection of single dwelling		
Location:	20 Barbers Drove North Crowland Peterborough		
Terminal Date:	3rd October 2020		

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)

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	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline application for the erection of a single dwelling at 20 Barbers Drove North, Crowland. The indicative proposal seeks to provide a dwelling on residential garden land to the rear of the existing dwelling that would be accessed by a track running down the side of the existing dwelling. The indicative proposal shows a chalet bungalow.

SITE DESCRIPTION

The proposal is within defined settlement limits with land in residential use to the north and west. These dwellings are of a similar age and varying design. Land to the east is outside of defined settlement limits and is where James Road is located. The site is within Environment Agency Flood Zone 3 and is in a Danger for Most area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H02-0229-80

Full - Residential development (2 plots) - Approved - 04 June 1980.

H02-0266-81

Outline - Erection of three dwellings with private road access on land off Barbers Drove - Approved - 05 May 1981.

H02-1204-03

Full - Erection of conservatory to front elevation - Approved - 10 December 2003.

H02-1516-04

Full - Loft conversion and new dormer roof (retrospective) - Approved - 07 January 2005.

H02-1055-05

Outline - Erection of detached bungalow - Refused - 28 September 2005.

H02-1726-06

Full - Erect two detached bungalows with integral single garages, plus ancillary access details from Barbers Drove - Refused - 06 February 2007.

H02-0866-07

Full - Erection of conservatory to side of dwelling - Approved - 11 September 2007.

H02-0976-07

Full - Change of use of granny annexe to self-catering holiday accommodation - Approved - 05 October 2007.

H02-0111-10

Full - Change of use of domestic garage to holiday accommodation and construction of new domestic garage - Approved - 20 April 2010.

H02-0694-13

Full - Proposed garden wall and erection of garage - Approved - 24 September 2013.

CONSULTATION RESPONSES

LCC - Historic Environment Officer

No objections.

LCC - County Highways & SUDS Officer

No objections. Please remind applicant of responsibilities when considering access road layout.

SHDC - Environmental Protection Officer

No objections.

North Level Internal Drainage Board

No objections.

Crowland Parish Council

No objections.

Environment Agency

Not within our remit to respond.

Members of the public

No comments received.

PLANNING CONSIDERATIONS

Principle of development

Policy 1 of the SELLP is titled Spatial Strategy and states "Within the settlement boundaries of the Main Service Centres (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." It is considered that the proposal would not materially impact existing facilities.

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 the dwelling cannot be assessed at this stage as the proposal is solely to assess the principle of development. 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 one of the largest settlements in the district and the entirety of the proposal site is in residential use.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) provides 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 risk 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 Paragraph 158 of the NPPF.

The application site is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) indicates that the site is located within an area identified as "Danger for Most", with a maximum predicted flood depth of 1 metre. Whilst this is not the most severe category, it is possible for new housing within Crowland to be delivered within areas that provide more sustainability benefits and are of lower flood risk. The proposal therefore fails the sequential test and is contrary to advice within Paragraph 158 of the National Planning Policy Framework, 2018, as well as Policy 4 of the Local Plan.

Impact of development

It is considered that no design can adequately address the impact on residential amenity and the character of the surrounding area.

The proposed development would, by reason of its location, and relationship with adjacent properties, represent a form of development out of keeping with the existing pattern of development in the area. This pattern is characterised by open paddocks and public open space separating James Road from residential properties. The garden land associated with No. 20 Barbers Drove North contributes to this pattern.

Moreover, the requirement to raise finished floor levels of the proposed dwelling by 1m would likely result in an overbearing effect, overlooking and loss of privacy in respect of existing neighbouring properties.

As such, the proposal is considered contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 requires development proposals to take into account sustainable development considerations such as the impact on the character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the landscape character of the location and residential amenity.

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

In light of the above considerations, the proposed development is considered to constitute an incongruous form of development that would be at odds with the character of the surrounding area. Moreover, the requirement to raise finished floor levels of the proposed dwelling by 1m would likely result in an overbearing effect, overlooking and loss of privacy in respect of existing neighbouring properties. The proposal is also not considered to pass the flood risk sequential or exceptions test. As such, the proposal is considered contrary to Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and advice within Paragraph 158 of the National Planning Policy Framework (2019).

A delegated refusal is therefore considered to be appropriate.