SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 05 October 2022**

(Author: **Lucy Buttery - Principal Planning Officer)**

Purpose: **To consider Planning Application H02-0671-22**

Application Number:	H02-0671-22	**Date Received:**	06 July 2022
Application Type:	FULL		
Description:	Demolition of existing garage and erection of new dwelling - re-submission of H02-0574-21 (retrospective)		
Location:	26 West Bank Crowland		
Applicant:	Mr L Johnson	**Agent:**	H A Architectural Services
Ward:	Crowland and Deeping	**Ward Councillors:**	Cllr B Alcock Cllr J R Astill Cllr N H Pepper

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0671-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections received and policy issues that merit Committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for the demolition of an existing garage and erection of a new dwelling - re-submission of H02-0574-21 (retrospective) - at 26 West Bank, Crowland.

2.2 **Background**

2.3 Planning permission was granted for a detached bungalow on this plot in 2012 under planning ref. H02-0009-12. This consent was not implemented and permission was sought again in 2020 (ref. H02-0671-20) for a (slightly modified) detached bungalow on the site. That application was refused on flood risk grounds as the mapping and data available had been updated since 2012 and meant that a single-storey dwelling was no longer appropriate on the site. Consequently, the applicant submitted a further application (ref. H02-0574-21) for a chalet type dwelling (with accommodation at first floor), which was approved. However, the dwelling has not been built in accordance with the plans approved as part of that application. The plans and application form accompanying said application indicated white windows and doors as well as varying size stone faced bricks and concrete roof tiles, all to match other properties on The Willows. Condition 7 also required finished floor levels to be set 1m above average ground level. Contrary to this, the present application suggests that the finished floor levels are 750mm above average ground level, the windows and doors are anthracite in colour, a single brick size has been used and the roof tiles are flat rather than pantile.

2.4 Furthermore, none of the pre-commencement conditions had been discharged at the time work commenced. There is therefore an argument that the permission has been invalidated by virtue of this. After construction had commenced, the applicant sought to discharge these conditions through application ref. H02-1326-21. Once it was brought to the Local Planning Authority's attention that the bricks, windows and doors were not as approved, a S73A application was also submitted to modify the approved plans (ref. H02-0292-22). However, after undertaking a further site visit it became clear that the dwelling had also not been built to the correct level. It was therefore advised that a full planning application be submitted to regularise all matters, and consequently the S73A and condition compliance applications were withdrawn in favour of the present full application before Committee. The dwelling as it has been constructed does not currently benefit from any form of planning permission.

3.0 SITE DESCRIPTION

3.1 The site originally formed part of the residential curtilage of no. 26 West Bank (approx. 0.10ha), which sits to the west, and formerly accommodated a detached garage. The site is accessed from The Willows, which is a residential cul-de-sac where the dwellings consist of mostly large detached two storey dwellings of a similar age and design. There are also properties to the south and east. At the time of undertaking the site visit (21st July 2022), the dwelling appeared to be almost complete. Please note: the development is being inspected by an independent approved inspector (i.e. not SHDC Building Control).

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 29 - The Historic Environment
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H02-0296-22 - s73A - Demolition of existing garage & construction of new dwelling - approved under H02-0574-21 (Variation to brick bonding used) (withdrawn July 2022)

5.2 H02-1326-21 - Condition Compliance - Details of scheme to deal with archaeology, existing & proposed site levels, landscaping & external materials (Conditions 3, 4, 5, 6, 8 & 11 of H02-0574-21) (withdrawn July 2022)

5.3 H02-0574-21 - Full - Demolition of existing garage and construction of new dwelling - re-

submission of H02-0671-20 (approved August 2021)

5.4 H02-0671-20 - Full - Demolition of existing garage and construction of a bungalow (refused October 2020)

5.5 H02-0009-12 - Full - Proposed detached bungalow (approved March 2012)

6.0 REPRESENTATIONS

6.1 Crowland Parish Council

Dated 15/07/2022:

This developer shows a complete disregard for the planning process, which is unacceptable. SHDC Building Control were not used to inspect the works. Resulting in the building being poorly built/unsoundly constructed and being misaligned with the original plans, the footings are not to the 1m depth, as stated in the planning conditions, contributing to it splitting in half, with substantial cracks. The brickwork and window frames should have matched with the other properties another planning condition. There are also issues with the parking with being on a corner/slope.

Dated 07/09/2022:

This developer shows a complete disregard for the planning process, which is unacceptable. SHDC Building Control were not used to inspect the works. The building is showing signs of subsidence with major cracks in the brickwork in quite a few places and being misaligned with the original plans, the footings are not to the 1m depth, as stated in the planning conditions, contributing to it splitting in half, with substantial cracks. The brickwork and window frames should have matched with the other properties another planning condition. There are also issues with the parking and being on a corner/slope.

6.2 The Rt Hon Sir John Hayes CBE MP

I understand the applicant has now submitted a retrospective application for 26 West Bank, Crowland.

As you will be aware the original permission - H02-0574-21 - was granted on the condition that the materials used should be in keeping with the neighbouring properties of The Willows which are of stone construction with white windows. As we know, the applicant had little regard for the planning process and continued to build the property at pace using different materials to those agreed under H02-0574-21 and installing grey windows, even though this was brought to their attention.

Of course, retrospective applications are always undesirable and, in this case, could easily have been avoided had the applicant built in accordance with the permission granted.

Nevertheless, design is paramount; we must do all we can to raise the standard and expectations in South Holland. Clearly, this dwelling does not meet this brief; it is not in keeping with the surrounding properties and is of poor build quality. I note that Crowland Parish Council has commented that the footings have not been constructed to the correct depth, with some cracks evident to the building already.

My constituents have also raised concerns about the driveway recess with it being on a slope and a corner and the number of allocated parking spaces.

I would, therefore, be grateful if you could treat my letter as an objection to this proposal. In addition, please could this application be considered by the Planning Committee.

6.3 Environment Agency

Dated 04/08/2022:

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

Reasons:
The application site lies within Flood Zone 1 of the Flood Map for Planning. However, it is an area identified in the South East Lincolnshire Strategic Flood Risk Assessment as being at increased flood risk in future, in case of a breach in the tidal defences. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development flood are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection:
To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall. If this cannot be achieved, we are likely to maintain our objection.

The FRA should refer to the South East Lincolnshire standing advice for more vulnerable development in areas with 'danger for most' hazard rating. The advice can be viewed at: http://www.southeastlincslocalplan.org/south-east-lincolnshire-strategic-flood-riskassessment-march-2017-appendix-c-standing-advice-other-maps/

Finished floor levels should be proposed in line with the standing advice, informed by the relevant residual flood depth map (2115 1% fluvial or 0.5% tidal), which can be viewed at: http://www.southeastlincslocalplan.org/south-east-lincolnshire-strategic-flood-riskassessment-march-2017-appendix-b-fluvial-tidal-depth-mapping/

General guidance on how to prepare a flood risk assessment can be found at https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications

Dated 07/09/2022:

The FRA (ref: 9183ST JKR jc) dated 15 August 2022 does not satisfactorily address our earlier concerns or meet the requirements in relation to flood risk within Policy 4: Approach to Flood Risk in the South East Lincolnshire Local Plan and the guidance contained within your Strategic Flood Risk Assessment, standing advice matrix. We therefore maintain our objection set out in our response dated 04 August 2022.

Further comments included in the main body of the report below.

6.4 LCC Historic Environment Officer

The final archaeological report submitted meets the requirements of this office in association with the previous application related to the construction of the new dwelling. Therefore we would recommend that no further archaeological input be required in association with this present application.

6.5 LCC Public Rights of Way

Crowland Public Footpath No. 16 runs along the southern boundary of the proposed development site although the route does not appear to be affected. No further comments or observations.

6.6 LCC Highways/SUDS

Does not wish to restrict the grant of permission. For this proposal the access arrangements remain unchanged and parking is provided for new dwelling and existing, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

6.7 Public - 3 objections received (summarised)

- Property out of keeping with others on The Willows;
- Roof, brick type and size, and windows and doors do not match other properties
- Building already has movement in the foundations, which has been repaired by the builders poorly
- Threatening and abusive language from builders
- Lack of care in putting together application

- Finished floor levels do not comply with condition on original approval

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle

7.3 The site is located within the settlement boundary for Crowland as set out in the South East Lincolnshire Local Plan, 2019. Crowland is a Main Service Centre as per Policy 1, and is therefore a settlement where development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. In the context of this, the principle of residential development in this location is considered acceptable.

7.4 Layout, Design, Size and Scale

7.5 The size / scale of the dwelling, its internal layout, access and parking arrangements, and the landscaping scheme are all accepted by virtue of application ref. H02-0574-21.

7.6 Consequently, the matters to be considered as part of this application in terms of appearance are whether the bricks, windows and doors are appropriate to the site and surroundings. To be truly in keeping with other properties in The Willows, the dwelling should have been built with white windows and doors (as specified on the original application form) and the approved elevation drawings show varying sized stone faced bricks, to match other properties in the cul-de-sac. Instead, the property has been constructed of a single sized brick (Bradstone Marshlite Rustic Walling in Buff) and windows and doors are anthracite grey. There is a noticeable difference in colour between the bricks of the new dwelling and the original estate in that they are a brighter buff / more yellow. The dwelling as it stands is visually out of keeping with others on The Willows and it is considered that this has a material adverse impact on character / street scene.

7.7 Taking the above into account, it is concluded that the visual appearance of the dwelling is unacceptable in character terms and thus does not accord with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; impact on character and appearance of the area; and the relationship to existing development. Policy 3 requires development proposals to respect the character of the location.

7.8 Residential Amenity

7.9 The front elevation windows of the dwelling sit approx. 20m from the front elevation of no.3 The Willows, which is tantamount to a normal front to front relationship. Furthermore, there are no side facing windows proposed and the properties to the rear are at an angle from the proposed dwelling so there is no material overlooking issue despite raised floor levels. The dwelling is at such a distance from neighbouring properties that it is not viewed to be overbearing in planning terms.

7.10 Taking the above into account, the dwelling is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and in accordance with Section 12 in the NPPF, 2021 in amenity terms.

7.11 Flood Risk

7.12 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.

7.13 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.

7.14 In terms of flood risk, the application site is situated in Environment Agency Flood Zone 1. Therefore, the site would appear to be situated in an area of low flood risk in first instance. However, the site lies within an area identified in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) as being at increased flood risk in the future, in case of a breach in the tidal defences. The mapping shows that the sites falls within a "Danger for Most" hazard zone, with potential flood depths of up to 1m (based on the Residual Peak Depth - 1% Fluvial/0.5% Tidal scenario for 2115).

7.15 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 Crowland. 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 (and maintaining the 5-year supply of deliverable sites) 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.

7.16 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.

7.17 With regard to the above, the development would / has provided some sustainability benefits to the local area through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

7.18 However, it is not considered that the dwelling could be guaranteed to be safe for its lifetime when considering the available flood risk information. The Standing Advice Matrix which supports the SFRA requires that properties in the "Danger for Most" hazard zone, with potential flood depths of up to 1m, have finished floor levels a minimum of 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth. This requirement was reflected in Condition 7 of H02-0574-21:

"Finished floor levels shall be set 1 metre above average ground levels in accordance with details to be submitted to and approved in writing by the Local Planning Authority or, in accordance with a flood risk assessment to be submitted to and approved in writing by the Local Planning Authority."

7.19 Prior to the submission of this application, it was indicated by the agent that floor levels were 650mm above ground level. Notwithstanding this, the application form for this present application states that the finished floor levels are 750mm above ground level. However, it is debateable as to whether the floor levels are actually even as high as 750mm above average ground level, particularly when viewed from the front. N.B. To be clear, the Council has not corroborated the levels as built on site. In any event neither measurement would be considered di minimis in terms of the levels required by the EA, which appear at least 250mm lower than required.

7.20 The Environment Agency (EA) objected to the application on 4th August 2022 due to the absence of a site-specific Flood Risk Assessment (FRA). An FRA was subsequently provided and shared with the EA. They responded on 7th September 2022 maintaining their objection, commenting the following:

"The FRA (ref: 9183ST JKR jc) dated 15 August 2022 does not satisfactorily address our earlier concerns or meet the requirements in relation to flood risk within Policy 4: Approach to Flood Risk in the South East Lincolnshire Local Plan and the guidance contained within your Strategic Flood Risk Assessment, standing advice matrix."

7.21 Policy 4 of the Local Plan requires a site-specific flood risk assessment to:

"- identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source;
- propose appropriate flood resistance and resilience measures (following the guidance outlined in the Strategic Flood Risk Assessment), maximising the use of passive resistance measures (measures that do not require human intervention to be deployed), to ensure the development maintains an appropriate level of safety for its lifetime"

7.22 The site-specific FRA quotes incorrect mitigation measures for the site (i.e. raising floor levels by only 500mm) as it does not identify the correct flood depths for the site.

7.23 Subsequent to the Environment Agency's correspondence on 7th September 2022, the agent acting on behalf of the applicant contacted the EA by phone to discuss their objection. In a follow up email from the agent to the EA, the following is stated "The suggestion was to install flood gates to both doors and flood resistant air bricks and Keri's (EA) suggestion was that combined with a Flood Evacuation Plan these measures should make the dwelling acceptable."

7.24 The Environment Agency have responded to this as follows:

"Our comments on H02-0671-22 are based upon Policy 4: Approach to Flood Risk in the South East Lincolnshire Local Plan and the supporting South East Lincolnshire Strategic Flood Risk Assessment (SFRA), standing advice matrix.

Whilst we did discuss potential mitigation measures to reduce the risk of flooding to the dwelling, the success of these would be reliant on active intervention following receipt of adequate flood warning. Neither prior warning or the erection of demountable defences can be guaranteed and so the Environment Agency's primary advice on this development is that it does not comply with national or local policy and guidance. These suggestions were only made (without prejudice) should the Council be minded to grant permission contrary to the Environment Agency's objection."

7.25 On the basis of the Environment Agency objection and conflict with Policy 4 of the Local Plan, it is considered that there is a justifiable reason for refusal on flood risk grounds as it does not appear that the dwelling would be guaranteed to be safe for its lifetime as it has been built.

7.26 The Applicant has not been invited to submit a revised FRA to overcome the above mentioned incorrect mitigation measures for the site. This is because the EA maintain an objection to the proposal as built i.e. any such FRA would not overcome their objection.

7.27 Members are advised that the ramifications of any refusal would be that the Council would look to enter into enforcement proceedings to have the dwelling demolished. The applicant would of course be able to appeal to the Planning Inspectorate to have this decision overturned in the first instance.

7.28 The Applicant is of the view that demountable defences are an acceptable substitute for levels and cites examples of their use elsewhere, with particular reference to Boston Borough. Members are reminded that each case should be judged on its own merits. Officers are of the view that the development as permitted had considered flood risk and mitigation and that the decision notice was clear in this regard. What has been built is clearly not in accordance with that and the EA object to it as built.

7.29 If Members are so minded they might choose to defer the application for Officers to have further conversations with the Environment Agency regarding demountable defences. However, the concern would be that this could set a harmful precedent for future developments, being contrary to the advice in the Standing Advice Matrix. The only reason to agree to such a course

of action in this instance would appear to be to address a situation arising from the developers own actions that were not in accordance with the previously approved determined plans. For the reasons outlined above officers do not recommend this approach.

7.30 Other considerations

7.31 The development is being inspected by an independent approved inspector (i.e. not SHDC Building Control) and will still need to comply with Building Regulations.

7.32 Threatening and abusive language from builders, whilst not pleasant, is not a matter for the planning process.

7.33 Planning Balance

7.34 Whilst the principle of residential development on the site has been established by virtue of application ref. H02-0574-21, it is considered that there is a fundamental flood risk issue that would justify refusing the application.

7.35 The South East Lincolnshire Strategic Flooding Risk Assessment (March 2017) (SFRA) shows the site as being at increased flood risk in the future, in case of a breach in the tidal defences. The mapping shows that the sites falls within a "Danger for Most" hazard zone, with potential flood depths of up to 1m (based on the Residual Peak Depth - 1% Fluvial/0.5% Tidal scenario for 2115). The Standing Advice Matrix which supports the SFRA requires that properties in the "Danger for Most" hazard zone, with potential flood depths of up to 1m, have finished floor levels a minimum of 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth. The submitted application form states that the finished floor levels are 750mm above ground level and the site-specific FRA quotes incorrect mitigation measures as it does not identify the correct flood depths for the site.

7.36 Consequently, the Environment Agency have objected and there is clear conflict with Policy 4 of the Local Plan. This policy requires that site-specific FRAs identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source. The retention of the dwelling with lower floor levels than required would go against the principle of ensuring an appropriate level of safety for its lifetime.

7.37 Furthermore, the materials used means that the dwelling as built is visually out of keeping with others on The Willows and has a material adverse impact on character / street scene.

7.38 Conclusion

7.39 In light of the above considerations, the proposal is not considered to satisfactorily accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019), as well as guidance on flood risk and design in the National Planning Policy Framework (2021).

7.40 **Additional Considerations**

7.41 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.

7.42 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.

8.0 RECOMMENDATIONS

8.1 **Refuse Permission for the reasons set out at Section 9.0 of this report.**

9.0 REASONS FOR REFUSAL

1. Whilst the application site is located in Environment Agency Flood Zone 1 and would therefore appear to be within an area of low flood risk, the site also falls within an area identified in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) as being at increased flood risk in the future, in case of a breach in the tidal defences. The SFRA mapping shows that the sites lies within a "Danger for Most" hazard zone, with potential flood depths of up to 1m (based on the Residual Peak Depth - 1% Fluvial/0.5% Tidal scenario for 2115).

The Standing Advice Matrix which supports the SFRA requires that properties in the "Danger for Most" hazard zone, with potential flood depths of up to 1m, have finished floor levels a minimum of 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth.

The application form states that the finished floor levels for the dwelling as built are 750mm above ground level (originally stated to be 650mm by the Applicant), which is clearly contrary to the above advice.

A site-specific Flood Risk Assessment (FRA) has been provided in support of the application. Policy 4 of the South East Lincolnshire Local Plan (2019) requires a site-specific FRA to:
"- identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source;
- propose appropriate flood resistance and resilience measures (following the guidance outlined in the Strategic Flood Risk Assessment), maximising the use of passive resistance measures (measures that do not require human intervention to be deployed), to ensure the development maintains an appropriate level of safety for its lifetime"

The submitted FRA concludes that finished floor levels of 500mm above ground level would be acceptable. However, this level of mitigation is based on incorrect flood depths for the site and is therefore inappropriate. The Applicant has not been invited to submit a revised FRA to overcome the above mentioned incorrect mitigation measures for the site. This is because the EA maintain an objection to the proposal as built i.e. any such FRA would not overcome their objection.

Consequently, the Environment Agency have objected to the application, with their objection being based upon Policy 4 of the Local Plan and conflict with the SFRA Standing Advice Matrix.

Overall, it is not considered that the dwelling would be guaranteed to be safe for its lifetime as built and the retention of the dwelling with lower floor levels than required would go against the principle of ensuring an appropriate level of safety. On this basis, the flood risk exception test cannot be passed. It is therefore contrary to Policy 4 of the Local Plan and advice within Section 12 of the National Planning Policy Framework (2021) relating to the siting of development in areas at risk of flooding.

2. The dwelling as built is visually out of keeping with other properties on The Willows by virtue of the brick type and windows / doors used, which represent a contrast to the lighter buff brick and white windows / doors on the remainder of the cul-de-sac. The materials used have a material adverse impact on the character / street scene of The Willows.

The dwelling that is the subject of this application does not therefore accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019). Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; impact on character and appearance of the area; and the relationship to existing development. Policy 3 requires development proposals to respect the character of the location. It is also contrary to Paragraph 130 of the National Planning Policy Framework (2021) which states that planning decisions should ensure that developments are sympathetic to local character and add to the overall quality of the area.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

4. The determined plans are:

Application Form
2069:2
2069:3
2069:4
4144/110
Flood Risk Assessment (prepared by Barter Hill Partnership Limited, dated 15th August 2022)
Archaeological Monitoring & Recording (prepared by Neville Hall, dated October 2021)

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
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Appendices attached to this report:

Appendix A Plan A


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Drain