

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H02-1202-19	Applicant:	Postland Developments Ltd
Proposal:	Proposed chalet bungalow and double garage		
Location:	Land Between: 44-46 Postland Road Postland Road Crowland		
Terminal Date:	11th February 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
30	Pollution
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
SHDC INTERNAL				

	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	1	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application for a chalet bungalow and double garage on Land between 44-46 Postland Road, Crowland. The proposal seeks to provide a double garage, utility room, kitchen / dining room, bedroom, bathroom and living room at ground floor level. At first floor level three bedrooms, an en-suite and a bathroom would be sited. There are no rear elevation first floor windows with roof lights providing the fenestration. The side elevation first floor window serving the en-suite would be obscure glazed.

Site Description

The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. Seven chalet bungalows approved under H02-0438-18 to the north (rear) are currently under construction.

History

H02-0438-18 - To rear of site

Full - Erection of seven chalet bungalows, associated garages and car parking - Approved - 18 September 2018.

H02-1015-18

Full - Two chalet bungalows, car parking and gardens - Refused - 17 December 2018.

Consultation Responses

Member of the public - support - 1

Please ensure that en-suite window is obscure glazed.

Member of the public - object - 1

Security risk of cars close to road (Carries minimal planning weight)

Out of keeping - No front garden

Environmental Protection Officer

Requests full land contamination.

North Level Internal Drainage Board

No objections

County Highways & SUDS Officer

Requests a new access condition.

"The submitted Block Plan indicates that the vehicular access to the proposed development would be on the west side of the plot's frontage to Postland Road. There appears to be an overhead electricity supply pole on the west side of the frontage and care will need to be taken to avoid the risk of accidental vehicle collision with this pole."

"Also, the carriageway of Postland Road at the frontage of the site is drained by means of kerb offlets. There is a kerb offlet where it is indicated the access would be formed so suitable arrangements will need to be made to either relocate this kerb offlet and connect it to the existing outfall or provide a new road gully so that surface water does not collect in this area."

Crowland Parish Council

No objections.

Planning Considerations

- Principle of the development
- Impact on the character of the area
- Position of electricity pole
- Flood risk

Principle of the development

The proposal is for frontage infill within the defined settlement limits of Crowland which is one of the largest settlements within the district. The principle of development on this site is considered acceptable. The previous application for two semi-detached chalet bungalows was refused as cramped and incongruous. This new design is considered to address the previous reasons for refusal.

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 Most", with a maximum predicted flood. 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 recommended that the properties be two-storey and that finished floor levels (FFLs) be set at least 1 metre above existing ground level. Flood resilient construction should also be incorporated within the development up to 300mm above finished floor level.

Impact on the character of the area

There is not considered to be a material impact on the character of the area. Dwellings in the vicinity are of varying ages and design. The fenestration and height of the building minimises potential for overlooking and overshadowing to neighbouring properties.

Position of electricity pole

This is a matter that should not impact on the viability of the scheme and can be addressed by condition.

Lack of a front garden

This is a matter that is not considered to materially impact on the viability of the application. There are other properties in the vicinity without front gardens. The area is not of a defined architectural character and the occupant would have a sizeable garden to the rear of the property.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.