

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0294-23 **Applicant:** Mr A Wright
Proposal: Proposed dwelling & detached garage
Location: Adj. 14 Cross Street Fleet Spalding
Terminal Date: 9th June 2023

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 3 - Plan Making
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the demolition of the garage building and erection of a new one and a half storey dwelling and a large detached garage sited between no's 14 and 18 Cross Street.

The dwelling would be constructed from ivanhoe westminster bricks, black concrete roof tiles, cream timber board effect cladding, reconstituted stone cills, cream upvc doors and windows, grey rooflights, and black plastic rainwater goods

The originally submitted plans have been amended with the height of the garage reduced from 6.6 metres to 6.2 metres and the roof hopped on the northern side.

Site Description

The application site is located on Cross Street in Fleet. The site currently forms part of the garden area for no.14 Cross Street and comprises a large garage building with grassed and hardstanding areas to the rear. The immediate street comprises detached residential dwelling of varying designs and ages. The site is located within flood zone 3 and backs onto open countryside.

Recent Planning History

H05-1163-22 - Proposed detached garage and alterations to bungalow - Approved

Consultation Responses

Fleet Parish Council

Concerns of light reduction to no.18 given the extensive footprint of the proposed dwelling and close proximity to the boundary.

Environment Agency

This proposal comes under cell E8 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist.

LCC Highways

No objections.

Residents

One letter of objection has been received from the neighbour at no.18 Cross Street siting the following concerns:

- Overbearing impact given the height of the dwelling
- Loss of sunlight and overshadowing

Planning Considerations

Principle of Development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside the Fleet Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. The scheme is therefore acceptable in principle, subject to other material considerations discussed below.

Layout, Design, Size and Scale

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area.

The above policies are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The originally submitted plans have been amended with the height of the garage reduced from 6.6 metres to 6.2 metres and the roof hipped on the northern side. However, unfortunately the proposals are still considered unacceptable as the scheme results in overdevelopment of the site and constitutes a cramped and inappropriate form of development that would be out of character with the area. In addition the way the site is being split is out of character with the rest of the street and would result in an odd shaped plot.

The proposal would result in a much smaller plot for no.14 which is out of character with the prevailing density of the area and to the detriment of the existing character and appearance of the area and would leave very little outdoor amenity space for no.14.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

One letter of objection has been received from the neighbour at no.18 Cross Street citing the following concerns of overbearing impact given the height of the dwelling and loss of sunlight and overshadowing. Fleet Parish Council has also raised concerns of light reduction to no.18 given the extensive footprint of the proposed dwelling and close proximity to the boundary. The concerns raised are noted and discussed further below.

The closest neighbour to the proposed development is no.18 Cross Street located to the east of the application site. The proposed dwelling would be sited close to the shared boundary with this neighbour. Given this, the footprint and height of the proposed dwelling, the relationship with this neighbour and the orientation of the property the proposed development would result in overbearing impact and unacceptable overshadowing on no.18.

In respect of the existing dwelling at no.14 Cross Street located to the north/north-west of the proposed dwelling the development is considered to result in an unacceptable relationship and noise and disturbance on the occupants of this dwelling due to the increased noise from vehicles

using the proposed driveway which would run across the whole of this neighbour's eastern and southern boundaries.

With regards to the neighbour to the west of the site at no.12A Cross Street the proposed garage would be sited close to the shared boundary with this neighbour. However, given the relationship with this neighbour and the fact the pitch of the garage would face away from this neighbour the impact on this neighbour would be within acceptable tolerances.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP in terms of amenity.

Parking/Highway safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4+ bedrooms should be provided within the curtilage. It is unclear how many bedrooms the existing bungalow on the site contains, however a maximum of 3 no off-street parking spaces would be required for both the existing and proposed dwellings.

The submitted plans show a driveway for the existing dwelling which can accommodate at least 3 no vehicles. The proposed new dwelling would also have sufficient space for at least 3 no vehicles in the driveway as well as additional parking in the proposed garage. As such the proposal meets the current parking standards.

In addition, the Local Highways Authority has raised no objections to the proposed access and parking arrangements therefore there are no concerns with regards to parking/highway safety. It has advised that Cross Street is one of four streets in this part of Holbeach which are not Public Highways. There are no known highway safety issues at the point where Cross Street joins the Public Highway network, at Branches Lane, that would be exacerbated by there being an additional dwelling on Cross Street.

The proposal therefore satisfactorily complies with Policies 2, 3, 36 and Appendix 6 of the SELLP in this respect.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps, an area with a high probability of flooding. The Environment Agency's 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. Also, large parts of the South Holland District lie within Flood Zone 3 and the development is classified as 'More Vulnerable' therefore it is necessary to complete the Exception Test. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

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. 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 Environment Agency Long Term Flood Risk maps show that the site has a low risk of flooding from rivers or the sea (annual probability between 0.1% and 1%), the site has a very low risk of surface water flooding (annual probability less than 0.1%) and the site is not within an area at risk of reservoir flooding.

The site specific flood risk assessment states that the probability of this development flooding from localised drainage systems is low. Failure of Sutton Bridge Tidal Sluice could lead to an increased level of risk at the site. The probability of the site flooding from any Environment Agency system is less than 0.5% annual probability (1 in 200 chance each year) because of the standards of the existing flood defences. Over time there will be a gradual increase in risk to the site due to climate change. During the design life of the development, it is not anticipated that the site would flood from overtopping of the defences. The SFRA considers the residual risk associated with overtopping and a breach in the defences in 2116. During the 0.5% annual probability (1 in 200 chance each year)

plus climate change event the maximum flood depth at the site is between 0.0m and 0.25m. The proposed arrangement increases the impermeable area and therefore there will be an increased volume of surface water that has the potential to increase flood risk.

The site has a low 'actual risk' of flooding. Based upon the information available during the preparation of this flood risk assessment it is recommended that the floor level of the dwelling is 0.3m above surrounding ground levels. Furthermore, it is recommended that there is 0.3m of flood resilient construction above finished floor level. Occupants are also advised to sign up to the Environment Agency's flood warning system. The risk of flooding is lowered as the proposed dwelling has 2 storeys.

The FRA indicates that subject to mitigation measures such as raised floor levels there would low risk of flooding. The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed dwelling would be located within the Fleet settlement boundary therefore the principle of a dwelling is acceptable in this location. However, the proposal would result in overdevelopment of the site, leaving little outdoor amenity space for the existing dwelling at no.14. Further it is considered the proposed development would materially harm the amenity of the adjacent neighbour at no.18 in terms of overbearing impact and unacceptable overshadowing as well as the occupants of the existing dwelling on the site in terms of noise and disturbance from vehicles using the private drive.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposed development fails to comply with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 4, 5, 11, 12, 14 and 15 of the National Planning Policy Framework (NPPF), 2021.

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.

Recommendation

That the application be refused under delegated powers.