DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0650-19**	**Applicant:**	**Mr & Mrs D Bunn**
Proposal:	Proposed two-bed detached house		
Location:	Off Park Lane Long Sutton Spalding		
Terminal Date:	3rd September 2019		

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
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14 and 15.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	4	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a two-bed detached house.

Site Description

The site (some 0.013ha) is currently overgrown and was formerly a builders yard. It is accessed via a private roadway off Park Lane.

A telephone exchange is located to the west and an electricity sub-station and the end wall of an Army Cadet Hall to the east. A tyre depot is located to the south.

Policies/Constraints

Inside the Long Sutton Settlement Boundary as defined in the South East Lincolnshire Local Plan, 2019.

Previous Decisions

H11-0939-03 - Out - Erection of a detached dwelling - Refused 9 January 2004. Dismissed on appeal.

H11-0144-05 - Full - Proposed workshop/store with offices - Refused 13 April 2005.

H11-0536-18 - Full - Proposed workshop with offices - Refused 24 July 2018.

Representations

Long Sutton Parish Council - No response.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Environmental Protection Officer - No objections.

LCC Archaeology - No archaeological impact.

Public - Resident objections/comments received (summarised):
Overdevelopment; Small site adjoining a sub-station; Overlooking/lack of privacy; Road unsuitable for extra traffic and construction vehicles; Poor visibility at junction with Park Lane due to parked vehicles, etc; Detrimental to highway safety; Encroach on drive; Safety of pedestrians and children going to school; Light pollution from headlights; Loss of wildlife; Ownership/right of way issues; Small site but appropriate.

Material Considerations

The main issues are:
- Principle;
- Character and amenity;
- Highway safety;

- Other material considerations, including flood risk, drainage and ecology.

Principle

The site was formerly used as a builders yard. However, it has not been used for this purpose for many years and is now overgrown. Consequently, it is considered that the use has been abandoned. The proposal would not therefore result in the loss of employment premises in this particular case.

The site is inside the settlement boundary for Long Sutton as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Long Sutton, 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.

Character and Amenity

The application site includes a narrow access road which serves a mixed form of development. There are 2 residential properties that front the road at the south-eastern end and 2 others which are served by a shared drive at its north-western end. The road also provides rear access to terraced houses which are situated to the north and front onto a narrow footway link to Park Lane. The site is effectively sandwiched between a telephone exchange to the west and the high brick wall of an electricity sub-station and the end wall of an Army Cadet Hall to the east. There is a tyre depot to the south.

Although the existing houses in the area are of different designs and the layout does not conform with that of a conventional street, most dwellings relate well to each other and have reasonably sized garden areas attached. The proximity of the 2 utilities close to the appeal site, combined with its restricted size, represents a poor context for residential development. The proposed dwelling would virtually fill the width of the plot and its frontage would be dominated by car parking. The house would have no relationship with other housing in the area and, in my opinion, would produce a very cramped and incongruous form of development. The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP.

Paragraph 118 of the National Planning Policy Framework, 2019 gives substantial weight to the value of using suitable brownfield land within settlements for homes. Long Sutton is a defined town for growth and to that extent the proposal conforms with Policy 1 of the SELLP. It is acknowledged that the appeal site comprises previously developed land; however, the Framework also indicates the desirability of maintaining an area's prevailing character and setting (para 122) and stresses that planning policies and decisions should be sympathetic to local character (para127). It is considered that the proposal does not meet these requirements.

Also, due to its position in relation to the surrounding land uses, the proposed dwelling would have a very small rear garden as its amenity space. The presence of the tyre depot at the rear and the blank walls of buildings to the east, plus the utilitarian appearance of the telephone exchange and its parking/manoeuvring area, would produce a depressing and confined outlook for future occupiers of the proposed dwelling.

It is not considered that the proposal would materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Highway Safety

Vehicular access to the site is via a private roadway off Park Lane. Local residents have raised concerns on highway safety grounds. However, LCC Highways has been consulted and has raised no objections.

Issues have been raised over whether the applicant has a vehicular right of way over the roadway. However, no evidence has been submitted to support this, which is essentially a civil matter.

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. 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'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. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is located within an area identified as "Danger for Most". It is possible for new housing to be delivered on sites that are in locations that are more environmentally acceptable and of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraph 158 of the National Planning Policy Framework, 2019.

Drainage

Foul water would be disposed of via the mains sewer and surface water via soakaways. Drainage can be addressed by means of a condition if permission was forthcoming.

Ecology

The site is currently overgrown and it has been indicated that it is currently a wildlife haven. However, there is no significant evidence of the presence of protected species. Consequently, there is not sufficient reason to refuse the application on these grounds.

Conclusion

The site is brownfield and is within Long Sutton Settlement Boundary. Moreover, the proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. However, the benefits are outweighed by the harm that the proposal would cause in terms of the development's effect upon the character and appearance and amenity of the area.

Although the existing houses in the area are of different designs and the layout does not conform with that of a conventional street, most dwellings relate well to each other and have reasonably sized garden areas attached. The proximity of the 2 utilities close to the appeal site, combined with its restricted size, represents a poor context for residential development. The proposed dwelling would virtually fill the width of the plot and its frontage would be dominated by car parking. The house would have no relationship with other housing in the area and, in my opinion, would produce a very cramped and incongruous form of development.

Also, due to its position in relation to the surrounding land uses, the proposed dwelling would have a very small rear garden as its amenity space. The presence of the tyre depot at the rear and the blank walls of buildings to the east, plus the utilitarian appearance of the telephone exchange and its parking/manoeuvring area, would produce a depressing and confined outlook for future occupiers of the proposed dwelling.

The proposal is therefore contrary to Policies 2 and 3 of the SELLP. Policy 2 indicates that sustainable development consideration should be met in relation to size, scale, layout, density and impact upon the amenity and character/appearance of the area. Policy 3 states that development proposals which are inappropriate to the local area or which fail to maximise opportunities for improving the character and quality of an area will not be acceptable. They are in accordance with advice within the National Planning Policy Framework, 2019. Paragraph 122 indicates the desirability of maintaining an area's prevailing character and setting. Paragraph 127 stresses that planning policies and decisions should be sympathetic to local character.

Moreover, the site is located within an area identified as "Danger to Most" within the South Holland Strategic Flood Risk Assessment and fails to satisfy the sequential test, contrary to Policy 4 of the Local Plan.

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.