

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0752-22 **Applicant:** Mr I Watson
Proposal: Residential Development - Erection of Dwelling
Location: Adj. Charnwood Delph Road Long Sutton
Terminal Date: 30th September 2022

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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for the erection of a single dwelling. The application is accompanied by an indicative plan showing a chalet bungalow.

Site Description

The site (some 0.03ha) is currently garden associated with Charnwood (house), which is located to the west of the site. Houses (nos. 62 and 64 Station Road) are situated to the east and south-east and rear garden associated with No. 2 Delph Fields to the south.

Planning History

H11-0129-15 - Full - Extension to dwelling - Granted 7 April 2015

Consultation Responses

Long Sutton Parish Council

No response received.

LCC Highways

Does not wish to restrict the grant of permission.

SHIDB

We note that the applicant intends to discharge surface water via a connection to on site soakaways. If existing soakaways are to be used to serve the additional impermeable area from the new chalet dwelling, we recommend that you satisfy yourselves that the soakaways will be able to efficiently dispose of the additional runoff.

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Environment Agency

Request flood mitigation measures.

Public

Objections received (summarised):

Overlooking/lack of privacy; Exacerbate existing surface water run-off onto neighbouring properties.

Planning Considerations

The main issues in this case are:

1. Policy/principle;
2. Character/appearance;
3. The likely effect of the development upon the amenity of neighbouring residents;
4. Highway safety/parking;
5. Flood Risk/drainage.

Policy/Principle

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 Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within 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 to meet the service needs of other local communities.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan 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.

Existing residential development within the immediate vicinity is broadly characterised by houses and bungalows on relatively spacious plots. Generally, there are noticeable gaps between the buildings on those plots. These characteristics, together with trees and other vegetation, combine to give the area a spacious ambience. The proposed dwelling, however, would be sited on a small plot. The proposal would therefore appear cramped in comparison and significantly diminish the spacious characteristics of the area. For those reasons the scheme would be detrimental to the character and appearance of the area. The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP.

In reaching this decision, account has been taken of previous refusals of planning permission for a bungalow opposite (ref. H11-0801-13) and a chalet bungalow adjacent 64 Station Road (ref. H11-0201-14). Both were dismissed on appeal.

Amenity/Living Conditions

Policies 2 and 3 of the South East Lincolnshire Local Plan 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.

Houses (nos. 62 and 64 Station Road) are situated to the east and south-east and rear garden associated with No. 2 Delph Fields to the south.

The plot is restricted in size and is very close to neighbouring dwellings, especially nos. 62 and 64 Station Road to the east and south-east. Also, the finished floor levels of the property would be raised to address flood risk. The general relationship of the proposed dwelling to neighbouring properties is such that the amenity of neighbouring residents would, in all likelihood, be materially harmed by virtue of overlooking, lack of privacy and general overbearing effect/overshadowing.

The proposal therefore conflicts with Policies 2 and 3 of the SELLP and also paragraph 130(f) of the Framework in this respect.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

A new access would be formed onto Delph Road and the existing access would remain in association with "Charnwood". Adequate parking could be provided for both properties. The County Highways Authority has raised no objections on highway safety grounds. The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of parking requirements/highway safety.

Flood Risk/Drainage

The site is within flood zone 3, a defended flood plain. The South East Lincolnshire Strategic Flood Risk Assessment (2017) identifies the site as being located in an area of "danger to most". SELLP Policy 4 states that development within flood zone 3 will only be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, would provide wider sustainability benefits to the community and would be supported by a site specific Flood Risk Assessment (FRA).

The Framework states that development in areas that are at risk of flooding should be avoided. It also states, at paragraph 161, that all plans in such areas should apply a sequential test to avoid flood risk and steer development toward areas with the lowest risk of flooding. If it is not possible to locate development in a lower risk area the exception test may be applied. Similar to SELLP Policy 4, this would need to demonstrate that the development would provide wider sustainability benefits to the community to outweigh the flood risk and would be safe for its lifetime, without increasing flood risk elsewhere.

In this case, the majority of the surrounding area is shown to be in Flood Zone 3 and within an area designated as "danger to most" within the South East Lincolnshire SFRA. Consequently, there are few other sites in a lower flood zone.

Applying the Flood Risk Vulnerability Classification in Table 2 of NPPG, residential development is classified as "More Vulnerable". Table 3 of NPPG states that an exception test is therefore required. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. 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, residential development is not considered sustainable on this site for the reasons already outlined. It is therefore 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(7) and 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

In terms of drainage, foul water would be disposed of via the mains sewer and surface water via soakaways, subject to percolation tests. This matter could be addressed by means of a condition if permission was forthcoming.

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 site is inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. However, the proposal would constitute a cramped and inappropriate form of development that would be detrimental to the character and appearance of the area.. Moreover, it would materially harm the amenity of nearby residents in terms of overlooking, lack of privacy and overbearing effect/overshadowing.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 states that sustainable development considerations should be met in relation to such matters as 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. They also set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions.

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. Paragraph 130(f) seeks places with a high standard of amenity for existing and future users.

Moreover, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps and the South East Lincolnshire Strategic Flood Risk Assessment indicates that the site is located within an area identified as "Danger for Most". In this case, however, the majority of the surrounding area is shown on the Flood Map for Planning to be in Flood Zone 3 and there are few other sites in a lower flood zone. The exceptions test should therefore be applied. In this case, it is considered that the proposal would not provide wider sustainability benefits that outweigh flood risk. The proposal is therefore contrary to Policies 2(7) and 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 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.

Conclusion

The planning balance is not in favour of the proposal. It is therefore recommended that the application be refused under delegated powers.