DECISION DELEGATED TO DEVELOPMENT MANAGER

| | | | |
|---|---|---|---|
| **Application No:** | **H11-0787-21** | **Applicant:** | **Mr P Gooch** |
| **Proposal:** | Residential Development - Erection of Bungalow | | |
| **Location:** | Rear Of Mill View Daniels Gate Long Sutton | | |
| **Terminal Date:** | 15th September 2021 | | |

**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 |
| 29 | The Historic Environment |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 32 | Community, Health and Well-being |
| 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 16. Conserving and enhancing the historic environment.

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 1 |
| WARD MEMBER | 1 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| RESIDENTS | 7 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

Full planning permission is sought for the erection of a one-bedroom bungalow.

### Site Description

The site (some 0.03ha) is currently garden located at the rear of "Mill View". A bungalow (no. 133 Little London) and houses (nos. 129 and 131) are situated to the east beyond 1.8 metre high fencing and residential garden associated with "Lime View" to the south beyond a row of trees. Garden associated with "Dawn Flight" (house) is situated to the west.

### Planning History

None

### Consultation Responses

Long Sutton Parish Council

Ask that neighbours are consulted in regard to any privacy issues that may arise and that it does not impact on them

Cllr A C Tennant

I have been contacted by applicant as Ward member and in my view have no objections to application - large plot with wide access drive - no suggestion of over development for site or excess detriment to existing property. No impact to heritage site of mill in vicinity.

Cllr D J Wilkinson

Object. In my opinion this is over development. I have received objections from a resident and on this occasion have to agree with their concerns, which are loss of privacy within property and private garden due to the raised finished floor and therefore causing the windows to be higher than fence. This area is extremely busy and congested during School times and the new entrance will be very close to the junction with Roman Bank.

Also, SHIDB have made comments regarding drainage of this development, I would ask that these are taken very seriously, the decrease in permeable ground due to development will have an impact and consideration should be given to proper water disposal from this site. It is all very well to build the new property higher but the risk of surface water flooding on neighbouring properties will increase as a result.

LCC Highways

Request infomatives.

SHIDB

Note that the applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that a drainage strategy or plan has been provided. We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Public

Objections received (summarised):
Out of character; Overdevelopment; Overlooking/loss of privacy due to raised finished floor levels, etc; Overshadowing/blockage of light; Noise nuisance; Affect outlook; Close to a busy/dangerous junction which is a blind corner; Detrimental to highway safety, especially during school hours; Flood risk; Increased surface/foul water run-off onto neighbouring land; Set undesirable precedent for backland development; Trees have been removed; Forms filled out incorrectly; Devaluation of property;

## 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. No objections are therefore raised in locational terms.

Character/appearance

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.

Existing residential development within the vicinity of the site is predominantly frontage. Where

there are backland dwellings they are generally positioned on spacious plots, providing greater separation from neighbouring properties. The proposed dwelling is sited on a relatively small backland plot (some 0.03ha) at the rear of "Mill View". It is considered that the proposal would constitute a cramped and inappropriate form of backland development that would be out of character with the area. The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP.

The proposal is some 280 metres from Sneath's Mill (Grade I listed) further to the north. It would not affect its setting.

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.

A bungalow (no. 133 Little London) and houses (nos. 129 and 131) are situated to the east beyond 1.8 metre high fencing and residential garden associated with "Lime View" to the south beyond a row of trees. Garden associated with "Dawn Flight" (house) is situated to the west.

The plot is restricted in size and is very close to neighbouring dwellings. The finished floor levels of the bungalow would be raised to address flood risk. A new access would be formed alongside no. 133 Little London. The general relationship of the proposed dwelling to neighbouring properties is such that the amenity of neighbouring residents would be materially harmed by virtue of overlooking, lack of privacy and general noise and disturbance.

Overshadowing/blockage of light are not considered to be significant concerns in this case. Blockage of view and de-valuation of property are not material planning considerations and therefore carry no weight.

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

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 Daniels Gate and the existing access would remain in association with "Mill View". Concerns have been raised over visibility at the site's entrance and also the junction with Roman Bank, close to the school. However, the County Highways Authority has raised no objections on highway safety grounds. The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

The proposal is for a 1 bed bungalow and 2 spaces are available for use on site. The proposal therefore satisfactorily complies with Policy 36 of the SELLP in terms of parking requirements.

Flood Risk/drainage

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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South Holland SFRA indicates that the site is located within an area identified as "Danger for Most". It is possible for development of this nature to be delivered within areas of the district that are 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 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 backland development that would be out of character with the area. Moreover, it would materially harm the amenity of nearby residents in terms of overlooking, lack of privacy and noise and disturbance, including vehicles using the private drive.

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, amongst other matters, 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 Holland Strategic Flood risk Assessment indicates that the site is located within an area identified as "Danger for Most". It is possible for development of this nature to be delivered within areas of the district that are 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 South East Lincolnshire Local Plan, 2019 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.