

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H11-0879-19 **Applicant:** Mr & Mrs J Powley
Proposal: Residential development (re-submission of H11-0085-19)
Location: Off Market Street Long Sutton Spalding
Terminal Date: 28th October 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 9, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	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
RESIDENTS	5	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (1 plot), with all matters reserved for subsequent approval. The application is accompanied by an indicative layout plan making provision for a 3 bed cottage and detached double garage.

The application is a re-submission of H11-0085-19.

Site Description

The site (some 0.12ha) is presently garden land. Trees the subject of Long Sutton Tree Preservation Order no. 26, 1998 are situated along the eastern boundary. Residential bungalows off Delamore Way are situated to the north and also to the east off Windsor Gardens. Houses off The Maltings are located to the west. A preserved Sycamore tree is situated on the western side of the private driveway and a care home beyond.

Policies/Constraints

The site is within Long Sutton Development Boundary as defined in the South East Lincolnshire Local Plan, 2019. It is outside Long Sutton Conservation Area.

Long Sutton Tree Preservation Order No. 26-1998.

Representations

Long Sutton Parish Council - Over development. Dwelling should not impose on neighbouring bungalow or affect the neighbours light.

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

Environment Agency - Object. FFLs not in accordance with Strategic Flood Risk Assessment.

Public- Resident objections received (summarised):

Inappropriate form of backland development; Out of character; Garden grabbing; Overbearing effect; Overlooking/lack of privacy; Blockage of light; Noise and disturbance; Blockage of view; Request boundary screening.

Letters of support also received.

Information from Applicant's Agent (summarised):

Since application H11-0085-19 was refused considerable discussions have taken place between The Environment Agency and the flood risk consultant, Geoff Beel Consultancy, therefore this re-application includes the amended site specific Flood Risk Assessment which concludes the following:-

"Finished floor level of the dwelling has been raised 500mm above existing ground level with flood resilient construction up to 500mm above finished floor level"

The indicative dwelling suggested is a chalet style cottage to reduce the buildings height and effect on neighbouring properties, distances to neighbouring dwellings are also indicated. Distances vary from 16 metres to 27 metres, heights of the indicative dwelling are also shown which will have minimal impact on neighbouring properties.

Planning Considerations

The main issues in this case are:

1. The principle of residential development;

2. Character and amenity issues;
3. Highway safety;
4. Flood Risk.

Principle/Sustainability

The site is inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP 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 and Amenity

The site is presently an open area within existing residential development, creating a sense of space. It also includes a number of trees, some of which are preserved. The site is relatively small for a backland plot and it is considered that the proposal, if permitted, would lead to pressure to remove the preserved trees by future occupiers of the property due to their proximity to the dwelling. It is considered that the proposal would constitute an inappropriate and cramped form of backland development that would have a harmful effect upon the existing character of the area and would prejudice the continued existence of the trees. The former would be accentuated by the fact that FFLs would have to be raised by 1 metre to address flood risk.

Moreover, the proposal would in all likelihood have a harmful effect upon the amenity of nearby residents, particularly occupants of nos. 46 and 48 Market Street, in terms of lack of privacy and noise and disturbance created by additional vehicles using the private drive. This would be accentuated by the need to raise FFLs by 1 metre to address flood risk.

Highway Safety

Vehicular access to the site is via a shared private drive. LCC Highways has been consulted and raises no objections on highway safety grounds.

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 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 to Most". It is possible for new housing to be delivered on sites that are in locations that are more environmentally sustainable 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.

In terms of the exceptions test, the Environment Agency has indicated that the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. They have stressed that the FRA does not adequately assess the flood risks posed by the development. In particular, the FRA fails to consider how people will be kept safe from the identified flood hazards.

The applicant's flood risk consultant has queried the need for finished floor levels (FFLs) to be set at least 1metre above existing ground level. This matter has been taken up with the EA, who have

indicated that the proposal is not following the South East Lincolnshire Flood Risk Standing Advice Matrix, which states that "finished floor levels must be set 1 metre above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth" for hazard depths of 0.5 metres to 1 metre.

Drainage - Surface water would be disposed of via soakaways. Drainage matters could be addressed by means of a condition if permission was forthcoming.

Conclusion

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. In the opinion of the Local Planning Authority the proposal constitutes an inappropriate and cramped form of backland development that would have a harmful effect upon the existing character of the area and would prejudice the continued existence of trees the subject of Long Sutton Tree Preservation Order no. 26, 1998. Moreover, the proposal would have a harmful effect upon the amenity of nearby residents, including occupants of nos. 46 and 48 Market Street, in terms of lack of privacy and noise and disturbance created by additional vehicles using the private drive. This would be accentuated by the fact that FFLs would have to be raised at least 1 metre to address flood risk.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the character and amenity of the area. The proposal is contrary to Policy 2 (Development Management) of the South East Lincolnshire Local Plan (March 2019) and advice within the National Planning Policy Framework, 2019. Policy 2 of the SELLP indicates that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses, as well as impact upon neighbouring land uses by reason of noise, disturbance, etc. Paragraphs 122 and 127 of the Framework indicate that new development should be sympathetic to and maintain an area's prevailing 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.

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.