

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H12-1049-18 **Applicant:** Mrs C Mountain
Proposal: Residential development - erection of dwelling
Location: Adjacent: 5 Puddingpoke Lane Lutton Spalding
Terminal Date: 29th January 2019

Planning Policies

Local Plan July 2016:

SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG4	Development in the Countryside
HS7	New Housing in the Open Countryside including Other Rural Settlements
SG11	Sustainable Urban Drainage Systems (SUDS)
SG12	Sewerage and Development
SG13	Pollution and Contamination
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG16	Parking Standards in New Development
SG17	Protection of Residential Amenity
SG18	Landscaping of New Development

National Guidance

National Planning Policy Framework 2018

Sections 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15.

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	0	0	0	1

SUPPORT				
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a dwelling, with all matters reserved for subsequent approval. The application is accompanied by an indicative block plan.

Full planning permission has previously been refused for a two-bedroom chalet bungalow (ref. H12-0449-16) and four bed house (ref. H12-1061-15) on this site.

Site Description

The site (0.054 ha) is currently vacant, but was formerly garden associated with No. 5 Puddingpoke Lane. It has an existing vehicular access. Trees are located along its rear (western) boundary.

A bungalow is situated to the south (no. 5 Puddingpoke Lane) and residential garden associated with No. 3 Puddingpoke Lane to the west. A bungalow (no. 20 Marriots Gate) is located to the north-west and terraced houses further to the north-east on the opposite side of a drain.

Previous Decisions

H12-0361-05 - Outline - Residential development (one bungalow) - Refused 9 May 2005. Dismissed on appeal 8 March 2006 (Appeal ref. APP/A2525/05/1192639);

H12-1061-15 - Full - Proposed four-bed house and detached garage - Refused 13 January 2016;

H12-0449-16 - Full - Proposed two-bed chalet bungalow and detached garage - Refused 6 July 2016.

Representations

LCC Highways/SUDs - No objections.

SHIDB - I note that the applicant indicates that they intend to dispose of surface water via infiltration; however I cannot see that a drainage strategy or plan has been provided for the site. This proposed strategy should be supported by ground investigation to determine the infiltration

potential of the site and the depth to groundwater. If on-site material is considered favourable then infiltration testing in line with BRE 365 should 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).

Environment Agency - Request condition relating to FFLs, etc.

Environmental Protection - Recommend precautionary gas protection assessment.

LCC Archaeology - This site is within the medieval settlement of Lutton and any development could disturb previously unknown archaeology which could contribute to the knowledge of the development of the village. Recommend a Scheme of Archaeological Works.

Public - Objections received from local residents (summarised):

Opposed to 2 storey dwelling; Inappropriate and incongruous; Overlooking/lack of privacy; Overshadowing; Site close to filled in pit and a SHIDB watercourse; Site low so soakaway drains would not be suitable; Running tidal silt on neighbouring property; Flood risk issues; Prejudice existing trees, including well established Eucalyptus;

Material Planning Considerations

The main issues in this case are:

- Whether the proposal would represent a sustainable form of development, having regard to social, economic and environmental factors, including the effect of the development upon the character and appearance of the locality and the amenity of nearby residents;
- Highway safety;
- Flood Risk;
- Other material considerations such as drainage, contamination and archaeology.

Principle/Sustainability

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located within Lutton, which is defined in the South Holland Local Plan, 2006 as an "Other Rural Settlement". Local Plan Policy HS7 states that new housing development in the countryside (including Other Rural Settlements) will only be permitted where it is to meet the needs of agricultural or other rural workers or is small scale rural exception housing that complies with Policy HS9. The dwelling is not required to meet the essential needs of an agricultural or other rural worker, and would not deliver rural exception affordable housing.

However, housing policies within the South Holland Local Plan are presently out of date and the Authority does not currently have a 5 year supply of deliverable housing land. In accordance with advice within paragraphs 10 and 11 of the Framework, where policies for determining an application are out-of-date, there is a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental.

An Economic Role - the proposal would contribute towards housing supply and future occupants may work locally and support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, although this would only be in the short term.

A Social Role - the proposal would make a modest contribution to the supply of housing required to meet the needs of present and future generations. Also, the site is within the village's built up area and would be accessible to its existing services and facilities, albeit limited.

Moreover, the site is within the settlement limit as defined in the South East Lincolnshire Local Plan 2011-2036 (Publication Version - March 2017), which defines Lutton as an "Other Service Centre

and Settlement".

An Environmental Role - Although the site falls within a residential area with a mixture of house types, the development would essentially relate to the adjacent property (No. 5), which is a bungalow. The proposed dwelling would have to be set back from the road due to the nature of the site and also the need to comply with South Holland Internal Drainage Board Bye-laws. Moreover, the Environment Agency has indicated that any property would have to be 2 storey with a finished floor level 1 metre above existing ground level on flood risk grounds. It would therefore be higher and more imposing than the adjacent bungalow. The aforementioned factors would most likely result in a dwelling that would appear incongruous and would overlook neighbouring property to a significant degree. Although it is accepted that 2.8 metre high close boarded fencing would help to prevent overlooking at ground level, fencing of this height would be very imposing and would have an adverse effect upon the living conditions and amenity of occupiers of neighbouring properties. Moreover, the proximity of the proposed dwelling to the western boundary would be such that its rear would be significantly overshadowed by existing trees within the neighbouring garden, to the detriment of the living conditions of future occupiers. This may result in pressure to remove the trees and prejudice their continued existence, to the detriment of the visual amenities of the rural locality.

The proposal is therefore considered to be an inappropriate and incongruous form of development that would materially harm the character and appearance of the area and amenity of neighbouring residents. It is therefore contrary to Policies SG14 and SG17 of the South Holland Local Plan, 2006. The former indicates that new development should make a positive contribution to the architectural and visual quality of its surroundings and should not have an adverse effect on the character and appearance of the locality. This policy is in accordance with advice within the Framework. Paragraph 127 indicates that planning decisions should add to the overall quality of an area and should be sympathetic to local character and history.

Highway Safety

The site is served by an existing vehicular access. The County Highways Authority has raised no objections on highway safety grounds.

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. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. 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 within an area identified as "Danger for Most". There are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and the proposal would not provide wider sustainability benefits in this case that outweigh flood risk. Consequently, the proposal fails to satisfy the sequential and exceptions tests. The proposal does not therefore comply with paragraphs 158 to 161 of the National Planning Policy Framework, 2018.

Other Material Considerations

Drainage - If permission was forthcoming, foul drainage could be disposed of via a foul sewer that runs along the site's frontage. Surface water could be disposed of via the SHIDB system if soakaways are unsuitable in this location. These matters could be addressed by means of a condition(s) if permission was forthcoming. Separate land drainage consent would be required under the Board's bye-laws.

Contamination - Former pits are situated within the locality. Environmental protection has therefore requested a gas mitigation assessment, which could be addressed by means of a condition if necessary.

Archaeology - This site is within the medieval settlement of Lutton and any development could disturb previously unknown archaeology, which could contribute to the knowledge of the development of the village. LCC Archaeology has therefore recommended a Scheme of Archaeological Works.