

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0131-22 **Applicant:** Mrs J Kennally
Proposal: Residential Development - 1 Dwelling - re-submission of H19-1189-21
Location: Cross Road Sutton St Edmund Spalding
Terminal Date: 4th April 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
28	The Natural Environment
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 15 - Conserving and enhancing the natural environment

Representations:

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

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission for the erection of a detached bungalow adjacent to no.29 and 33 Cross Road, with all matters reserved.

The application is a re-submission of a previously refused scheme H19-1189-21. This application changes the previously refused two storey dwelling to single storey.

Site Description

The site is located off Cross Road, within the Sutton St Edmund settlement boundary. It is part of the residential garden associated with Cross Winds (22 Cross Road). The site includes an outbuilding and has an existing access from Cross Road. The area of development is approximately 0.06 hectares. Ground levels within the site vary between +1.8m OD and +2.0m OD. The carriageway level of Cross Road adjacent to the site is +2.1m OD. The immediate area comprises mainly bungalow with 2 storey dwellings further to the west. The site is within the Environment Agency flood zone 3.

Recent Planning History

H19-1189-21 - Residential Development - Erection of 1 Dwelling - Refusal

Consultation Responses

Sutton St Edmund Parish Council

The Parish Council objects to the application as the site is too small for the proposed development and the property would have the same shadowing effect consequences to the neighbouring properties which was the previous reason for refusal.

North Level Internal Drainage Board

No objection. The Boards Little Eau Spur drain forms the northern boundary therefore the Boards Bylaws apply. No building/structure should be erected within 9 metres of the drain.

Environmental Protection

No objections but has recommended a standard land contamination condition.

LCC Highways/SUDS

Does not wish to restrict the grant of permission subject to informatives re new access.

Planning Considerations

Principle of development

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 Sutton St Edmund Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Other Service Centres, including Sutton St Edmund 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. The scheme is therefore acceptable in principle.

Layout, Design, Size and Scale

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 along this section of Cross Road faces the street and is predominantly single storey in nature. Dwellings to the east of the site are detached and to the west dwellings are mainly semi-detached. All the properties sit on generous sized plots with wide frontages.

It is considered that the proposal would constitute an unacceptable form of cramped development which is out of keeping with existing development in the area by virtue of existing residential development being sited within larger plots. The proposal would result in a plot which is smaller in width to others in this part of the street and is therefore considered out of character with the prevailing density of the area and to the detriment of the existing character and appearance of the area.

Furthermore, the indicative plan shows the new dwelling to be sited approximately 10.5 metres back from the highway which is considered to be out of character with the other development in this part of the street.

The proposal is therefore considered to be contrary to Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF.

Residential 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.

There were concerns of overbearing impact and unacceptable overshadowing with the previously refused scheme given its two storey design. It is not possible to fully assess the impact on neighbouring amenity as this is an outline application with all matters reserved. However, the amended scheme now proposes a single storey bungalow which can on balance be accepted as it significantly reduces the impact on the two adjacent bungalows.

The indicative plan shows the proposed bungalow located close to the shared boundaries with the two adjacent bungalows on either side. Whilst it is accepted that it would have a significant rear projection from the rear elevations of these neighbours, the impact on these neighbours would on balance be within acceptable tolerances given its single storey nature and limited height. In addition, the pitch of the roof would face away from these neighbours, thereby further reducing any impact. There may be some overshadowing in part of the rear gardens of these neighbour, however, this can on balance be accepted given these properties benefits from large gardens, majority of which would not be overshadowed.

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

Parking/Highway safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4+ bedrooms should be provided within the curtilage. It is not clear how many bedrooms the existing and proposed dwellings have. A maximum of 3no spaces would be required for the existing dwelling and 3no for the proposed.

The submitted indicative plan shows sufficient space to accommodate 3no vehicles on the existing driveway and the new driveway for the proposed dwelling. As such minimum parking standards could be ensured.

In addition, the Local Highway Authority has not raised any objections to the scheme subject to standard informatives.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.

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 site benefits from defences on the tidal River Nene that provide protection during the 0.5% annual probability (1 in 200 chance each year) tidal event including an allowance for climate change. The site is not at risk during a breach of the tidal defences.

The site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the North Level IDB watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).

The FRA indicates that subject to mitigation measures such as raised floor levels there would low or no risk of flooding. The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

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 within the Sutton St Edmund 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 out of character with the area..

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

Taking into account the considerations above, the proposed development fails to comply with Policies 1, 2, 3, 4, 10, 11, 28, and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 4, 5, 11, 12, 14 and 15 of the National Planning Policy Framework (NPPF), 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.

Recommendation

That the application be refused under delegated powers.