

DECISION DELEGATED TO DEVELOPMENT MANAGER**DECISION DELEGATED TO DEVELOPMENT MANAGER**

Application No: H11-0069-20 **Applicant:** S E King Building Contractors Ltd

Proposal: Erection of dwelling plus construction of garden room (part retrospective)

Location: Rear Of 29 Station Road Long Sutton Spalding

Terminal Date: 24th March 2020

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2019**

Sections 2, 4, 5, 12, 14 and 15.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site has planning permission for a single storey dwelling with safe refuge in the roof (ref. H11-0893-14 and H11-1025-17). The property is under construction.

This application is to provide accommodation within the roof space to be used as an extra bedroom and bathroom. Rooflights serving the rooms would be either 1.7 metres above floor level or obscure glazed. A rear garden room is also proposed.

Site Description

The site (approximately 0.1 ha) was formerly rear garden associated with 29 Station Road. It has a mature Sycamore tree in its north-western corner, which has been trimmed and retained as agreed by the Council's Nature Conservation Officer.

Bungalows are situated to the north, east, south and west off Dunlin Drive, Whimbrel Way and Station Road.

History

H11-0529-14 - O/A - Residential development - erection of 2 single-storey dwellings - Refused 14 October 2014.

H11-0893-14 - O/A - Erection of single-storey dwelling, including approval of means of access. Re-submission of H11-0529-14 - Granted 23 December 2014.

H11-1025-17 - RM - Erection of 3 bed bungalow and garage - outline approval H11-0893-14 - Approval 18 December 2018.

Consultation Responses

Long Sutton Parish Council - Support. No objections.

Public - 2 resident objections received (summarised):

Overlooking/lack of privacy at ground and first floor level; Blockage of light to neighbouring gardens; The thin end of the wedge eventually leading to a 2 storey property.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely affect upon the amenity of neighbouring residents;
- Other material considerations such as highway issues and flood risk.

Policy/Principle

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.

Moreover, the site has planning permission for a single storey dwelling with safe refuge in the roof (ref. H11-0893-14 and H11- 1025-17) and the property is under construction. No objections are therefore raised in principle to residential development in this location.

Character/Appearance

Bungalows are situated to the north, east, south and west off Dunlin Drive, Whimbrel Way and Station Road. The proposed dwelling is essentially a bungalow, albeit with accommodation within the roof space. It fits satisfactorily upon the plot and does not materially harm the

character/appearance of the locality. In this respect, the proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Amenity

The proposed dwelling is sited some 2.5 metres from the north-eastern boundary. The main element has a hipped roof and the front/rear projections have a relatively low ridge line. Finished floor levels (FFL) are set 300mm above existing ground level in accordance with the previous outline permission (ref. H11-0893-14). 1.8 metre high fencing, plus 500mm trellising is required along this boundary to protect the amenity of neighbouring residents given that windows serving bedrooms, etc are located on this elevation.

The southwestern elevation only has a garage window and is some 3.8 metres from the boundary. The properties off Wimbrel Way have a garden depth of some 12 metres and are separated by the rear garden of the proposed property. The proposed garden room is some 2.5 metres high.

The rooflights on the first floor are either situated 1.7 metres above the floor level or obscure glazed.

Taking the above factors into consideration it is considered that the amenity of neighbouring residents, including those off Dunlin Drive, would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing or noise/disturbance, subject to boundary screening. The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

The existing Sycamore tree on site has been retained and trimmed, as agreed with the Council's Nature Conservation Officer.

Highways

There is no change to the previous permissions in terms of access to the site and satisfactory parking has been provided. The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. 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". However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. 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, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the site is within Long Sutton Settlement Boundary, which is one of the largest settlements within the district. Development is needed in this area to sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework.

Concerning the second element, the South East Lincolnshire SFRA indicates a peak depth of 0.5m-1m. However, development has already commenced in accordance with a previous planning permission with FFLs of 300mm, as required by condition. This is considered to be a material planning consideration that outweighs Policy 4 of the South East Lincolnshire Local Plan, 2019 in this particular case. Flood resilient construction should also be incorporated within the development up to 300mm above finished floor level and future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Conclusion

No objections are raised in principle to a dwelling in this location within Long Sutton Settlement Limit. It is considered that the proposed dwelling could be accommodated upon the site without materially harming the character/appearance of the locality or amenity of neighbouring residents. There is no change to the proposal on highway grounds. The proposal satisfactorily complies with Policies 1, 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

Although there is some conflict with Policy 4 of the South East Lincolnshire Local Plan, 2019 this is outweighed by other material considerations in this case.

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.