DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0443-19**	**Applicant:**	**Mr W Underhill**
Proposal:	Proposed bungalow		
Location:	Adjacent: 29 Delph Road Long Sutton Spalding		
Terminal Date:	5th July 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
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site presently has planning permission for a 1/2 bed bungalow. Full planning permission is sought for the erection of a 3 bed bungalow.

Site Description

The site (some 0.05ha) is currently residential curtilage associated with 29 Delph Road. It is currently occupied by a garage/domestic workshop. A bungalow (no. 27) is situated to the north beyond a 1.8m fence.

Policies/Constraints

Inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

Previous Decisions

H11-0673-17 - Full - Proposed bungalow, Adj: 29 Delph Rd, Long Sutton - Granted 1 September 2017

Representations

Long Sutton Parish Council - No objections.

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

Environmental Protection Officer - No objections.

Material Considerations

The main issues are:
- Principle;
- Character and amenity;
- Highway safety.
- Other material considerations, including flood risk.

Principle

The site is inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 2 indicates that within the settlement boundaries of the 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 meet the service needs of other local communities.

Character and Amenity

The proposed bungalow would have its gable end facing the road, similar to the previous approval. It is situated further forward on the plot, but not as far forward as no. 27 Delph Road. It is considered that the proposal would not have a harmful affect upon the character/appearance of the street scene or locality.

From an amenity point of view, a number of openings are situated on the north eastern elevation, including windows associated with a kitchen/diner, bedroom, bathroom and utility, plus a door serving the former. A 1.8m high close boarded fence is situated along the common boundary. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, blockage of light, noise and disturbance, etc. This is subject to appropriate boundary treatment to address flood risk.

Highway Safety

Parking facilities would be provided on site. LCC Highways does not wish to restrict the grant of permission.

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 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 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 Environment Agency previously recommended that finished floor levels be set 500mm above existing ground level. 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.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The site is inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. No objections are therefore raised in principle.

It is considered that the proposal would not harm the character/appearance of the locality or the amenity of neighbouring residents, subject to appropriate boundary treatment.

No objections have been raised on highway safety grounds and sustainability issues in this case outweigh flood risk, subject to flood prevention measures.