DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-0254-19**	**Applicant:**	**Mr & Mrs A Everitt**
Proposal:	Proposed residential development - comprising of 2 dormer style bungalows		
Location:	Greetings Reservoir Road Surfleet		
Terminal Date:	29th May 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application for proposed residential development (comprising of 2 dormer style bungalows) on land at Greetings, Reservoir Road, Surfleet Seas End.

An indicative block plan submitted in support of the application shows 2 detached dormer style bungalows with a shared access off Reservoir Road.

Finished floor levels would be raised to a minimum of 4.50m OD which would be 0.30m lower than the floor level of the existing bungalow.

Site Description

The site is the triangular shaped side garden of the property known as 'Greetings'. This is a bungalow located immediately to the west. There are open fields to the north and east. To the west of the host bungalow is The Ship Inn Public House and car park. The River Glen is to the south/south-east. The site is largely surrounded by conifer hedging. The existing bungalow has a number of windows on the north-eastern elevation which face the site.

The site is located within the settlement boundary for Surfleet as set out in the South East Lincolnshire Local Plan (2019).

History

No relevant history.

Consultation Responses

Surfleet Parish Council - No comment.

LCC Historic Environment Officer - No archaeological impact.

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

SHDC Environmental Protection - No comments or objections.

Public -
- Overdevelopment
- Countryside location; not sustainable
- Single track road with no footpath and also access on a blind bend
- Site is in Flood Zone 3a; there are other more sequentially preferable sites
- North-west boundary line on another parties land with no notice served
- Amenity garden to plot 1 below the required standard
- No ecology report
- No details of foul water disposal
- Proposed plot sub-division in an unacceptable location when considering the principle window to the host bungalow

Planning Considerations

- Principle
- Flood risk
- Highways
- Impact on character and appearance of the area / density
- Residential amenity
- Other

Principle

The site is located within the settlement boundary for Surfleet as set out in the South East Lincolnshire Local Plan (2019). Policy 1 (Spatial Strategy) of the Local Plan identifies Surfleet as a Minor Service Centre and states that within the settlement boundaries of these centres, development will normally be limited to Allocated and Committed sites and infill. Although, the site is on the very edge of the settlement and is not situated between properties like typical infill development, given that the proposed development would be well contained by the existing hedging, the proposal is considered to be acceptable. No definition is provided of infill development in the Local Plan and so it is considered appropriate to take a common sense approach to determining whether a proposal is an acceptable form of infill.

Flood risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, 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 can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies that the site would be exposed to flood depths of up to 0.25m and is a combination of low hazard and danger for some.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Surfleet. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

It is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need, and other benefits including generating employment during the construction period.

In terms of making the development safe, this would result in finished floor levels being set at 4.50 OD. This would be sufficient to mitigate against flood risk.

Given the above, it is considered reasonable to conclude that the Exceptions Test can be

passed in this instance.

Highways

Concern has been raised regarding the suitability of the proposed access and the single track nature of the road with no footpath. However, in the absence of an objection from the Highways Authority it would be unreasonable to refuse the application on highways grounds.

Impact on character and appearance of the area / density

The proposal is for two dormer style bungalows. Although the site is on the very edge of the built up part of Surfleet Seas End, the proposed dwellings would be well contained by the existing hedging which is to remain. Existing buildings in the vicinity vary in terms of design and scale and so the proposed dwelling type is considered to be acceptable.

One resident has objected on the basis that the proposal would represent overdevelopment. Although it would be a denser form of development than the existing bungalow to the west and the existing public house, the site is capable of accommodating two dwellings whilst providing reasonable separation distances between properties and an acceptable amount of external amenity space.

Overall, it is considered that the proposed development would not have a material adverse impact on the character and appearance of the area.

Residential amenity

Concern has been raised by a member of the public that Plot 1 would be in an unacceptable location when considering the principle window of the host bungalow. However, it is considered that any new dwelling could be sited far enough away from the existing bungalow for there not to be a material loss of light and the proposed dwellings would be capable of being designed so as to minimise overlooking. The site boundary is approx. 2.2m from the side elevation of the adjacent bungalow at is nearest point and approx. 5.2m at its furthest point. This is considered to be acceptable.

Although the specific details of design and layout would be dealt with at reserved matters stage, it is considered that an acceptable standard of external amenity space is capable of being provided.

Other

One objector has raised concern that the north-western boundary line is on another parties land, with no notice having been served. In response to this, the applicant has confirmed that the red line reflects what is shown on the deeds for the land.

The objector also comments that an Ecology Report should be undertaken due to the potential for habitats being disturbed. However, the site is a residential garden comprising of maintained lawn and the surrounding hedging is to remain (with the exception of a small part along the south-eastern boundary which would be removed to make way for a new shared access). Furthermore, it is some distance from the nearest Local Wildlife Site on the River Glen. The application site is not one for which it would normally be expected that such a survey would be undertaken and Lincolnshire Wildlife Trust have confirmed that it is not a type of site they would comment on.

Details of foul water disposal are required to be submitted at reserved matters stage.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.