DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0002-22**	**Applicant:**	**Mr & Mrs P Newton**
Proposal:	Residential Development - erection of 1 dwelling - re-submission of H20-0876-21		
Location:	Off Draw Dike Sutton St James Spalding		
Terminal Date:	2nd March 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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
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.
Section 15. Conserving and enhancing the natural environment.

Representations:

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for a four-bed detached house and detached carport (ref. H20-0876-21). This application is to reduce its size and remove the integral garage, including design revisions.

Site Desciption

The site (some 0.09ha) is former grazing land on the northern side of draw Dyke on the eastern fringe of the village. A row of bungalows have recently been constructed on land to the west. Residential development is situated opposite.

Planning History

H20-0651-18 - O/A - Residential development - erection of single dwelling - Granted 30 August 2018.

H20-0876-21 - Full - Erection of Dwelling - outline approval H20-0651-18 - Granted 7 October 2021.

Consultation Responses

Sutton St James Parish Council

No response

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

SHIDB

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).

Public

No response.

Material Considerations

The main issues in this case are:
- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk and drainage.

Principle/Sustainability

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 located outside Sutton St James Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside.

SELLP Policy 1 directs developments within settlement boundaries and states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

However, the site originally received outline planning permission (ref. H20-0651-18) in August 2018, prior to adoption of the SELLP. Planning permission was granted on the basis that the proposal was a sustainable form of development. Moreover, the site has an extant full permission (ref. H20-0876-21) and this application is solely a modification. This is a material consideration that outweighs any policy objections in this particular case.

Character/Appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

Existing development within the vicinity consists primarily of bungalows. However, there are houses within the vicinity further to the west, including the western end of the adjoining row of bungalows. Existing native hedging along the eastern and southern boundaries would be retained. The house would be constructed in Desimpel Hathaway Brindled facing bricks with a Sandtoft Shire Pantile roof (grey).

Whilst a bungalow would have been preferable on this site it is considered, on balance, that the proposal would not materially harm the existing street scene. It should also be noted that the property is smaller than originally permitted so would have less of an impact.

The proposal is therefore in accordance with Policies 2 and 3 of the SELLP in this respect.

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.

The nearest residential properties are a bungalow to the west and also opposite. 1.8m high closeboarded fencing exists along the western boundary. A bedroom and two bathroom windows are proposed at first floor level on the western elevation. However, they would face the side of the bungalow, which has an en-suite only on that elevation. They would also be set back some 4.5 metres with an access roadway between to land to the rear. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal is therefore in accordance with Policies 2 and 3 of the SELLP in this respect.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

A new access would be formed and there is provision for 3 car parking spaces, including the carport. LCC Highways has concluded that the proposed development would not be expected to

have an unacceptable impact upon highway safety and therefore, does not wish to object to this planning application.

The proposal therefore accords with Policies 2 and 3 of the SELLP in terms of highway/parking issues.

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 located within an area identified as "danger for some". This is a less severe category and 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.

In terms of the first element, 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. The site adjoins the settlement limit and has had outline planning permission for residential development.

Concerning the second element, the site varies between 1.6m and 1.8m aOD. The FRA recommends that finished floor levels be at least 0.5m above existing ground level, which would be in the region of 2.2m aOD as proposed. Ground levels would be increased slightly to 2.05m aOD. The FRA also recommends flood resilient construction. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Drainage

Foul water would be disposed to a mains foul sewer and surface water to soakaways. This is considered an acceptable arrangement.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity. Existing hedging is to be retained and new planting is proposed.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure. This can be addressed by means of a condition.

Planning Balance

The site is outside Sutton St James settlement limit. However, it has previously had outline permission for a single dwelling, which was considered sustainable. Moreover, it has an extant full permission. This is a material consideration that outweighs any conflict with the SELLP. It is considered, on balance, that the proposal would not materially harm the character/appearance of the locality, or amenity of nearby residents. There are no highway objections and flood risk issues could be addressed by means of a condition. There are no adverse factors that carry such weight as to justify refusal.

Conclusion

The planning balance lies in favour of the proposal for the reasons outlined above. It is therefore recommended that the application be approved under delegated powers.

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.