

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0657-19 **Applicant:** Mr J M & R A Gonzalez

Proposal: Proposed two 4-bed single-storey dwellings with detached double garages
- re-submission of H20-0225-19 - retrospective

Location: Plots 2 And 3 Draw Dyke Sutton St James Spalding

Terminal Date: 27th August 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 9, 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	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal is for two 4-bed single-storey dwellings with detached double garages. It is a re-submission of H20-0225-19 in the sense that finished floor levels have been revised consistent with a three bedroom bungalow recently granted on plot 5 (ref. H20-0006-19). Work has commenced on site.

The site is part of an area of land that has outline planning permission for residential development (ref: H20-0656-16 granted 5 October 2016). The plot boundaries have been slightly revised from the outline.

Policies/Constraints

The site is outside the Sutton St James settlement boundary as defined in the South East Lincolnshire Local Plan, March 2019.

Consultation Responses

Sutton St James Parish Council - Supported.

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

Material Considerations

The main issues in this case are:

- Principle/sustainability;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk and drainage.

Principle/Sustainability

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The appeal site is located outside of Sutton St James settlement boundary as defined in the recently adopted 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.

The proposal is not wholly in accordance with the above policy. However, the site has an extant outline permission (ref. H20-0656-16). A reserved matters application could therefore be submitted. Furthermore, full planning permission was granted in April 2019 for residential development on these two plots. This fallback position is a material consideration that outweighs the development plan in this particular case. No objections are therefore raised in principle.

Character/Appearance

Existing development within the vicinity, including that opposite, consists primarily of bungalows. The two bungalows would have to be raised to address flood risk. Notwithstanding this fact, they are considered to be satisfactory and would not materially harm the existing street scene. The proposal is therefore in accordance with Policies 2 and 3 of the SELLP.

Residential Amenity

The nearest residential properties are situated opposite. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, overshadowing, lack of privacy, overbearing effect, noise and disturbance, etc.

Highway Safety

Vehicular turning facilities have been provided on site in accordance with the terms of the outline permission. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

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 East Lincolnshire 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 forms part of an area of land that has outline planning permission for residential development.

Concerning the second element, the FRA recommends that finished floor levels be set at 2.8m aOD consistent with Plot 5, plus flood resilient construction. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Drainage

Surface water would be disposed of to an existing watercourse and foul water to a package treatment plant.

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.

Conclusion

The site is outside the Sutton St James settlement limit but has an extant outline planning permission. No objections are therefore raised in principle. The proposed bungalows would appear satisfactory within the street scene and would not have a material effect upon the amenity of nearby residents. The Highways Authority has previously requested vehicular turning facilities, which have been provided. Flood risk issues have been satisfactorily addressed.

Recommendation - That the application be approved under delegated powers.