

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0800-19 **Applicant:** Mr & Mrs A Gray
Proposal: Erection of detached bungalow - outline approval H20-0656-16
Location: Plot 1, Off Draw Dike Sutton St James Spalding
Terminal Date: 7th October 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14 and 15

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

Reserved matters approval is sought for a 3 bed bungalow with attached double garage.

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).

Policies/Constraints

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

Consultation Responses

Sutton St James Parish Council - Supported.

LCC Highways/SUDS - No objections subject to notes

South Holland Internal Drainage Board - Comments concerning surface water drainage.

Planning Considerations

The main issue in this case is whether the "reserved matters" have been satisfactorily complied with. The principle of a dwelling upon the site has already been established.

Existing development within the vicinity, including that opposite, consists primarily of bungalows. The bungalow would have to be raised to address flood risk. Notwithstanding this fact, the design of the bungalow is 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.

The nearest residential properties are situated to the west (house) and also opposite. The westernmost gable has a dressing room window only. The sun room, which has doors on the western elevation, is set further from the western boundary, which is to be delineated by 1.8m high closeboarded fencing. 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.

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.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The SFRA indicates that the site is located within an area identified as "danger for some". This is a less severe category and the site has the benefit of outline planning permission. It was decided at the outline stage that the wider sustainability benefits to the community outweighed flood risk. This included the provision of additional 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 is part of an area of land that has outline planning permission for residential development.

Concerning the second element, a condition was imposed at the outline stage addressing flood risk. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

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

Conclusion

The proposal satisfactorily complies with the reserved matters.

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.