

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0947-23 **Applicant:** Mr M D Broker

Proposal: Erection of 4 bed detached bungalow with detached cart lodge garage - re-submission of H07-0818-21 - approved under H07-0292-22. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Plot 4 Highstock Lane Gedney Hill Spalding

Terminal Date: 21st December 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
30 Pollution
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
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

This is an application made under Section 73 of the Town and Country Planning Act 1990 (as amended). Planning permission H07-0292-22 allowed for the erection of 4 bed detached bungalow with detached cart lodge garage, which in turn was a re-submission of H07-0818-21.

Under this application the applicant seeks to amend the approved plans in order to:
Change to the approved plans to hand the front arrangement of the site ie cart lodge moved to the left side and the access to the right side. All other details remain the same.

Site Description

The dwelling fronts Highstock Lane and is one of a group of single storey dwellings recently approved along the row. It is made up of a brown facing brick, slate style roof tiles. On site visit the dwelling which is almost complete was bounded by Heras fencing and still clearly subject to construction works.

The application site benefits from an extant planning permission for residential development. The site is located outside of any defined settlement boundary.

History

H07-0292-22 - Erection of 4 bed detached bungalow with detached cart lodge garage - re-submission of H07-0818-21

H07-0818-21 - Erection of 3 bed bungalow with detached garage, access, parking, soft & hard landscaping - Approved

H07-0785-20 - Proposed detached bungalow with detached double garage, means of access, landscaping and boundary treatment - Approved

H07-0285-19 - Section 73 - Residential development (up to 6 dwellings) - approved under H07-0945-17. Variation of Condition 4 to remove the gross floor area restriction - Approved

H07-0945-17 - Outline - Residential development (up to 6 dwellings) - Approved

Consultation Responses

LCC Highways

No objection: In highway terms, the proposed dwelling is effectively a 'handed' version of the dwelling granted Consent under reference H07-0292-22 and as such, the principle of a residential use of the site has already been established. This is another plot in the line of new dwellings on the north side of Highstock Lane. The proposed development includes a garage on the front of the plot for off-street parking and sufficient space to manoeuvre vehicles so that it is possible to leave and enter the highway in a forward gear. Whilst there is no footway on the site side of Highstock Lane, the vehicle activity on this road is not such that it is unsafe for residents of the proposed dwelling (or the previously Consented dwelling) to cross the road to use the existing footway on the opposite side. In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

IDB

Thank you for your consultation on planning application H07-0947-23. Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board, the proposed alterations to the applicant's proposal do not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore, the Board have no further comments to make and our comments made under the planning application H07-0292-22

(our ref 22_06319_P, 24/03/2023) still stand.

Planning Considerations

Determining Development Proposals (Legislative and Policy Framework)

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted Southeast Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies for the proposal subject to this advice, are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Assessment

This application is for an amendment to the location of access and position of 'Kart Lodge Garage'. The planning issues that follow from the amendment relate to;

- Character and Appearance
- Amenity
- Highways Safety

Character and Appearance

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable"

The effect of the change relates only to the relocation of the access point and the location of the outbuilding, which is already approved to the front of the dwelling. There are no changes to the scale, massing or appearance of the 'Kart Lodge'.

It is considered that given the lodge has already been approved to the front of the dwelling, its relocation to the opposite side of the frontage would have limited additional impact upon the character and appearance of the area.

The proposal is considered to align with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

Amenity

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

Paragraph 130 of the National Planning Policy Framework (2021) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Despite the outbuilding being re sited it is considered that given its separation distances from the nearest dwelling, scale, and mass it is unlikely to lead to unacceptable impacts upon the amenity of

neighbouring properties. The impacts from the relocation of the access is also considered acceptable.

It is therefore considered that the proposal would accord with policies 2 and 30 of the South East Lincolnshire Local Plan 2019 as well as paragraph 130 of the National Planning Policy Framework.

Highway Safety

In respect of highway matters, Policy 2 of the SELLP details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The highway authority have been consulted and have stated that they have no objections to the proposed change to the location of the access. They state "The proposed development includes a garage on the front of the plot for off-street parking and sufficient space to manoeuvre vehicles so that it is possible to leave and enter the highway in a forward gear. Whilst there is no footway on the site side of Highstock Lane, the vehicle activity on this road is not such that it is unsafe for residents of the proposed dwelling (or the previously Consented dwelling) to cross the road to use the existing footway on the opposite side"

It is therefore considered that neither the relocation of the access or the Kart Lodge would result in giving rise to highway safety impacts. The Kart Lodge is set back from the front boundary which (given highways have not raised concern) allows for sufficient visibility for egressing vehicles.

The proposal then is considered to accord with policies 2 & 3 of the South East Lincolnshire Local Plan (2019) as well as Section 9 of the National Planning Policy Framework (2023).

Conclusion

The proposed changes are considered to be acceptable and would accord with the policies of the local plan outlined within this report.

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.