DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H10-0624-24**	**Applicant:**	**Mr G Wyatt**
Proposal:	Permission in Principle Application for demolition of garage and outbuilding and erection of one detached dwelling		
Location:	Oakdene Hospital Drove Little Sutton		
Terminal Date:	27th August 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing

National Guidance

National Planning Policy Framework 2023

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY	0	0	0	1

BODIES				

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks permission in principle for the demolition of a garage and outbuilding and the erection of one detached dwelling in their stead at Oakdene, Hospital Drove, Little Sutton.

Site Description

The site is within the settlement boundaries of Little Sutton, as outlined within the South East Lincolnshire Local Plan, 2019. The site lies on the western side of Hospital Drove and currently accommodates a small detached garage of brick construction and an outbuilding that is of timber construction and in poor state of repair. The site is adjoined by other frontage dwellings and residential development extends further north and south along the western side of Hospital Drove. There are glass houses to the rear which form part of a wider horticultural business that extends to the west away from Hospital Drove. There are open agricultural fields opposite.

Relevant History

H10-0390-21 - Permission in Principle. Permission in Principle Application for demolition of garage and outbuilding and erection of one detached dwelling. Approved 07/05/21.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environment Agency

"We have no objection to this permission in principle application. Whilst we do not object to the principle of the development, as the site is situated in Flood Zone 3, the issue of flood risk must be considered at the technical details consent (TDC) stage. To address flood risk at the site, we would expect a flood risk assessment (FRA) to be submitted at the TDC stage. If you are minded to approve the permission in principle application, we require to be consulted on any subsequent technical details consent application."

Lincolnshire County Council Historic Places Team

"Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application"

Highway and Lead Local Flood Authority

"This initial advice is in principle and is based on limited information provided/obtained to date and without opportunity to assess fully the full package of information that will be necessary to support any future planning application. This initial advice does not confirm Lincolnshire County Council's final position regarding the development proposals. Lincolnshire County Council's final position on any development will only be established following formal consultation (via the local planning authority) of the planning application.

The applicant would need to demonstrate suitable clear visibility splays in both directions in accordance with Manual for Streets, so that drivers intending to enter the highway at the new proposed access, may have sufficient visibility of approaching traffic to judge if it is safe to complete

the manoeuvre. Additionally, the applicant needs to make consideration of sufficient parking provision where 2 parking spaces for a dwelling with three bedrooms or less and 3 parking spaces for dwellings with four or more bedrooms are proposed for the new dwelling and the host dwelling and sufficient turning facility within the site to enable vehicles to enter and leave in a forward gear.

As this is a Minor Application, the applicant would need to demonstrate to the Local Planning Authority that the use of a suitable drainage system for the management of surface water is appropriate for this site to mitigate any concerns with flooding of the property, adjacent properties, and surrounding land"

Environmental Protection

No observations

South Holland Internal Drainage Board

"recommend at the technical details consent stage, a drainage strategy in line with the SuDS hierarchy is provided for the site"
"The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction and boundary treatments adjacent to the riparian watercourse. This is recommended in order to enable maintenance by current and future owners"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1st June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017.

The Planning Practice Guidance states: "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage." The terms of a permission in principle may only include the site location, type and amount of development. The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage, but cannot impose planning conditions.

This application relates to a greenfield site that is not included in the Brownfield Register. It accommodates a garage and outbuilding and forms part of the residential curtilage of the property known as Oakdene. As such, the site is not considered to be previously developed (as per the definition of 'previously developed land' set out in Annex 2 to the National Planning Policy Framework, December 2023 (NPPF)).

An application can be made to a Local Planning Authority which relates to a piece of land that is not on the Brownfield Register provided that the proposal meets a set of criteria. Permission in Principle cannot be granted for schemes that are considered major development, habitats development, householder development or EIA Development (Schedule 1). The proposal does not conflict with these criteria.

As outlined previously, the Local Planning Authority are tasked with considering whether the location, land use and amount of development are acceptable, in accordance with the relevant policies in the Development Plan unless there are material considerations, such as those within the NPPF and national guidance, which indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

Location of Development & Principle of Use

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Little Sutton which is classed as an "other service centre" within Policy 1. As such development will be permitted that supports Little Sutton's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within other service centres will normally be limited to Committed sites and infill.

The NPPF outlines, within Paragraph 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Paragraph 70 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

As the site is within Little Sutton, development within this location is considered appropriate. The proposal would support the settlement's role as an other service centre and make a positive contribution to local housing stocks. The development would represent frontage, infill development, in accordance with the conditions of Policy 1 and the overarching built form of the settlement.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Paragraphs 60 and 70 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

Land Use

As stated above, a Permission in Principle application is limited solely to a consideration of principle matters within the context of the Development Plan and relevant national policy/ guidance. In this context, the existing and proposed land use of the site must be considered against the provisions of Policies 2 and 3 of the SELLP and Section 12 of the NPPF as is appropriate.

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The existing use of the site is residential garden. The area is characterised by linear, frontage development, primarily from the 20th century, although there is not an overly prominent sense of place within the settlement. Comparably sized plots and uses are present in the area. Accordingly, the proposed use in keeping with the existing land uses of the area in principle and as such, would be in accordance with Policies 2 and 3 of the SELLP as well as Section 12.

The aforementioned policies also concern architectural considerations. Due to the nature of this application, these matters cannot be assessed at this stage, instead being covered at the Technical Details stage. As such, these larger design implications have not been covered within this report.

Amount of Development

Paragraph 135 of the NPPF 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. The character implications, outlined in the previous section, from this paragraph are also relevant here.

A single detached dwelling is proposed. The site area sits at approximately 350sqm. This is considered adequate room to accommodate a reasonably sized dwelling, which would be in line with the requirements of the nationally described space standard, leaving sufficient amenity space. Comparably sized plots are present within the wider area. As such, the proposal is not considered to represent over-development and the number of units proposed is acceptable in principle.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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".

In respect of highway matters, Policy 2 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Lincolnshire County Council have raised no objections to this propsoal. They have detailed that "the applicant would need to demonstrate suitable clear visibility splays in both directions in accordance with Manual for Streets, so that drivers intending to enter the highway at the new proposed access, may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre".

"Additionally, the applicant needs to make consideration of sufficient parking provision where 2 parking spaces for a dwelling with three bedrooms or less and 3 parking spaces for dwellings with four or more bedrooms are proposed for the new dwelling and the host dwelling and sufficient turning facility within the site to enable vehicles to enter and leave in a forward gear".

Planning Balance

The proposal has been assessed against the relevant planning policies at both local and national level appropriate within the scope of an application for Permission in Principle. The proposal is considered to be acceptable in terms of location, land use and amount of development when

assessed against the relevant policies of the SELLP. The recommendation is therefore to grant Permission in Principle.

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

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, and 3 of the SELLP, as well as Section 5 and 12 of the NPPF, when viewed within the limited scope of a Permission in Principle application. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.