DECISION DELEGATED TO DEVELOPMENT MANAGER

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|---|---|---|---|
| **Application No:** | **H18-0054-19** | **Applicant:** | **Mr T Bissett** |
| **Proposal:** | Outline application for single dwelling replacing an existing garage | | |
| **Location:** | Land Rear: 9 New Road Sutton Bridge Spalding | | |
| **Terminal Date:** | 17th May 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 |
| 10 | Meeting Assessed Housing Requirements |
| 11 | Distribution of New Housing |
| 17 | Providing a Mix of Housing |

**National Guidance**

**National Planning Policy Framework 2019**

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 1 | 1 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |

| | | | | |
|---|---|---|---|---|
| OTHER STATUTORY BODIES | 0 | 0 | 1 | 0 |
| RESIDENTS | 3 | 0 | 1 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

This is an outline application for a single dwelling replacing an existing garage at land to the rear of 9 New Road, Sutton Bridge. No garden or private parking is provided by the proposed scheme. The dwelling would be a minimum of two storeys and have finished floor levels of 1 metre above ground level, as well as demountable defences.

### Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The proposal seeks to provide a dwelling that is adjacent to 2 King Street and separated by a public footpath. The garage is sited at the rear of the garden of 9 New Road and there are dwellings in all directions from the proposal.

### History

None

### Consultation Responses

Historic Environment Officer

No archaeological impact.

Sutton Bridge Parish Council

Support - "Application fits with the area being residential."

Member of public comments

Lack of parking provision.
Disturbance during construction (Carries minimal planning weight)
Building is where my friend committed suicide (Carries minimal planning weight)
"The streets cannot support more buildings on it as they are over crowded."

Environmental Protection Officer

No comments or objections.

County Highways & SUDS Officer

"The existing access onto King Street shall be permanently removed in accordance with details to be agreed in writing with the Local Planning Authority. To reduce to a minimum, the number of individual access points to the King Street, in the interests of road safety."

### Planning Considerations

Principle of Development

The proposal is within the settlement limits of Sutton Bridge and is a brownfield site. Therefore, the principle of development is acceptable in this location.

Parking Provision

Approximately only half of properties in the vicinity can provide off street parking. Therefore, to recommend refusal on the lack of off street parking for a sole dwelling is not considered reasonable in this location.

Impact on character of streetscene

Paragraph 130 of the National Planning Policy Framework (NPPF) (2019) states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." With regard to flood risk Paragraph 155 of the NPPF states "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk." Regardless that a final design has not been submitted, the need to raise finished floor levels 1 metre above existing ground level will lead to a jarring, discordant development that is out of keeping with character of the streetscene.

Impact on residential amenity

Policy 2 of the South East Lincolnshire Local Plan (SELLP) (2019) states "Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to: 6) impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion. 7) sustainable drainage and flood risk." It is considered that whatever the final design, a considerable overlooking and overshadowing impact will befall both 9 New Road to the east and 2 King Street to the west.

Policy 3 of the SELLP states "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."

It is considered that the flood risk requirement to raise finished floor levels to 1 metre and the lack of amenity space will lead to a cramped, incongruous development that will generate an overlooking and overshadowing impact, whilst detrimentally impacting the built character of the surrounding area.

## Conclusion

In light of the above considerations the proposal is considered not to be in accordance with Policies 1, 2, 3, 4, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated refusal is considered to be appropriate.

## 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 to refuse permission 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 residents). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation to refuse permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.