DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0208-24**	**Applicant:**	**Mr & Mrs D Godfrey**
Proposal:	Proposed Garage		
Location:	190 Hospital Drove Long Sutton Spalding		
Terminal Date:	6th May 2024		

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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 12. Achieving well-designed and beautiful places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

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
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a detached double garage and garden store, with games room above. It would be positioned within the front garden area, running north-south approximately 1 metre from the western boundary. It would have a length of 11.2 metres, width of 7 metres and ridge height of 6.1 metres approximately.

Site Description

The site is located at the front of No. 190 Hospital Drove, which is a detached house. A pair of semi-detached houses are situated to the west and various agricultural buildings opposite (Maze Farm) to the north-west and north-east. Vehicular access is off Hospital Drove.

An agricultural building to the north-east has prior approval for a dwelling (ref. H18-1072-23).

Planning History

No recent history relating to the site.

Consultation Responses

Long Sutton Parish Council

Supported.

LCC Highways/SUDs

No objections.

Environmental Protection

No comments or objections.

National Gas Transmission

There are no National Gas assets affected in this area.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, an objection has been received (summarised).

-The proposed garage is too large for the plot.
-Live on a one lane no through road, this encourages more traffic. Applicant owns a car repair business and we already have multiple cars. Believe this will increase.
-Blockage of light/lack of privacy.
-Removed all the trees, plant and hedging already, which has compromised the wildlife.
-A smaller one storey garage in keeping with the area would be more appropriate.

Applicant's agent

This garage will be for personal use only. When purchasing the dwelling off the Crown Estate they agreed and entered into a clause to say that no business would be run from the property and it is for domestic residence only. They have a successful business and have no intention to move it. The garage is for storage of the couple's personal classic cars only, along with a storage for garden implements, domestic tools and lawn mower etc. The games room is for extra family space.

Planning Considerations

The main issues in this case are;
-Policy/principle;
-Character/appearance and amenity;
-Highway issues;
-Flood Risk.

Evaluation

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 South East 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 are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Policy/principle

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan indicates that "in the Countryside development will 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".

In this case, given the ancillary nature of the development, the proposal cannot readily be located elsewhere within a settlement boundary. Therefore, the principle of development for the proposal is acceptable unless other material planning considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 in spatial terms.

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of section 12 of the National Planning Policy Framework (Dec 2023), in that it 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.

These policies accord with the provisions of the National Planning Policy Framework (December

2023) and require 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.

Section 12 of the Framework specifically relates to 'achieving well-designed and beautiful places' and details 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 of the Framework 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, layout and appropriate and effective landscaping. It should also be sympathetic to local character and history, including the surrounding built environment and establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.

Proposals for new development therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The detached building would be one and a half storey. It would be positioned within the front garden area, running north-south approximately 1 metre from the western boundary. It would have a length of 11.2 metres, width of 7 metres and ridge height of 6.1 metres approximately. It would consist of black timber boarding on a reclaimed brick plinth, with a natural slate roof. The doors would be timber painted.

Nos 188 and 189 Hospital Drove have outbuildings situated forward of the dwellings. Moreover, agricultural buildings on the opposite side of Hospital Road are situated close to the highway. The building would have the appearance of a traditional outbuilding/agricultural building and would be subservient to the host dwelling in terms of height and scale. It is considered that the proposal would not materially harm the street scene or the rural character or appearance of the locality.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (December 2023). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The site is located at the front of No. 190 Hospital Drove, which is a detached house. A pair of semi-detached houses are situated to the west, the nearest of which is No. 188 Hospital Drove. Various agricultural buildings are located opposite (Maze Farm) to the north-west and north-east. One of the latter has prior approval for a dwelling (ref. H18-1072-23). Vehicular access is off Hospital Drove.

No. 188 Hospital Drove has a number of windows and also a door facing the site. However, the latter is some 9 metres from the boundary. The new building is approximately 1 metre from the common boundary and has no openings on its western elevation facing No 188. The southern elevation has pedestrian doors only. The proposed building is to the north-east of No. 188 and there are trees immediately to the east of No. 190 that may presently block some early morning sunlight.

In terms of possible noise/disturbance, the applicant's agent has confirmed that the building would be used solely for a purpose incidental to the enjoyment of the dwelling (not commercial).

Given the separation distances and general relationship with neighbouring dwellings, etc it is considered that the proposal would not materially harm the amenity of nearby residents in terms of overbearing effect, blockage of light, overlooking, lack of privacy, noise and disturbance, etc.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

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.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework 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 proposal is for the erection of a detached garage/store/games room. It would not be used for a commercial purpose. The public highway stops short of the site access. However, the proposal would not generate a significant number of additional traffic movements and there would be satisfactory parking provision on site. It would not have an adverse impact on the public highway.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking requirements.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps and within an area of danger for most within the SHDC Strategic Flood Risk Assessment. However, paragraph 174 of the Framework (Dec 2023) indicates that applications for minor development such as that proposed should not be subject to the sequential or exceptions tests but should still meet the requirements for site specific flood risk assessments. In terms of the latter, it is recommended that the finished floor level be set at 300mm with flood resilient construction.

Biodiversity

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

Although the site area has been cleared previous planting appears to have been mainly garden related trees and shrubs/hedging. Moreover, householder applications such as this are exempt from Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal represents appropriate development in spatial terms and does not materially harm the character or appearance of the locality, or amenity of nearby residents. LCC Highways have been consulted and raise no objections on highway safety grounds. No concerns are raised on flood risk or biodiversity grounds, subject to conditions where appropriate.

The proposal conforms with the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking into consideration these factors, the proposal satisfactorily complies with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), December 2023.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to within the development plan as a whole.

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.

Recommendation

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