DECISION DELEGATED TO DEVELOPMENT MANAGER

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|---|---|---|---|
| **Application No:** | **H18-0645-21** | **Applicant:** | **Leesons Garage** |
| **Proposal:** | Change of use of domestic garden to staff car parking | | |
| **Location:** | Leesons Garage Railway Lane North Sutton Bridge | | |
| **Terminal Date:** | 10th September 2021 | | |

**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 |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2021**

Sections 2, 4, 6 and 12

**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 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| RESIDENTS | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

Full planning permission is sought to change use of part of the garage associated with no.14 Railway Lane to the south of the garage to a staff carpark, creating 9no parking spaces.

### Site Description

The site is located on Railway Lane North in Sutton Bridge. It comprises a domestic garden adjacent to a commercial garage. The immediate area is primarily residential with a pumping station and a medical station in close proximity. The area of land n question is associated with the dwelling at no.14 and is currently enclosed by a low level hedge.

### Recent Planning History

H18-1064-05 - Display of signage - Approved

H18-0262-05 - Display of signage - refused

H18-1448-04 - Display of signage - refused

H18-0303-02 - Proposed new roof (pitched) over existing garage workshop - Approved

### Consultation Responses

Sutton Bridge Parish Council

Commented in support of the scheme as it would support employment in the area.

Environmental Protection

No comments of objections.

LCC Highways/SUDs

The dimensions of the existing access that currently serves no .14 Railway Lane North are not adequate to enable two cars to pass in opposing directions and the proposal would therefore, result in an unacceptable impact on highway safety. The access therefore needs to be widened to 4.1 metres as a minimum for the first 10 metres within the site to allow the safe passage of two-way vehicular movements.

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4). Should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

Residents

One letter of objection has been received stating that the area should remain domestic

### Planning Considerations

Character/Appearance

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 SELLP, 2019 goes on to say that considerations shall be met about 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. In this regard, Policy 3 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.

The proposed scheme would result in additional hard surfacing on the site, however, this is not considered to significantly or unacceptably impact the overall character of the area or appear overly prominent or unacceptable in the street scene.

As such the development would accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Amenity

One local resident has raised concerns that the area should remain domestic. The concerns are noted, however, the proposed development is not considered to result in any unacceptable impact in terms of noise disturbance given the minor nature of the proposed works.

As such the development is not considered to result in any unacceptable impact on neighbouring amenity and would satisfactorily accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highway Safety

The Local Highway Authority raised concerns with the initial scheme as the dimensions of the existing access serving no.14 was not considered adequate to enable two cars to pass in opposing directions and the proposal would therefore result in an unacceptable impact on highway safety. The access has therefore been amended in accordance with the advice from the LHA. The amended plans show a 4.1 metre wide access for the first 10 metres into the site which is considered sufficient and in line with the LHA requirements. The amended access will allow safe passage of two-way vehicle movements.

As such there are no concerns in terms of highway safety and the scheme is considered to accord with Policy 36 of the SELL (2019).

Drainage

Policy 4 of the SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has not raised any objections to the scheme but has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4). Should the applicant's proposals change to include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). An informative has been added advising the applicant of this.

Subject to the above advice the proposal is considered to be in accordance with Policies 2, 3 and 4

of the SELLP with regard to their provisions on flood risk and drainage.

Planning Balance

In light of the above considerations the proposal the planning balance is in favour of the proposal and is considered to be in accordance with Policies 1, 2, 3, 30 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 4, 6 and 12 of the National Planning Policy Framework, 2021.

## Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan (2019) as well as Sections 2, 4, 6 and 12 of the National Planning Policy Framework (2021).

## 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

That the application be approved under delegated powers.