DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-1145-21**	**Applicant:**	**Mrs S Spridgeon**
Proposal:	Proposed vehicular access and retention of garden wall at current height - part retrospective		
Location:	257 Broadgate Road Sutton St Edmund Spalding		
Terminal Date:	18th January 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 2, 4, 12, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a new vehicular access. Works have commenced on site.

Site Description

The site is located on the western side of Broadgate and is the southernmost of 3 plots approved by virtue of outline planning permission ref. H19-0539-16 and reserved matters approval ref. H19-0937-18. A 1.8m high brick wall and blocked-off vehicular access were previously located along the section of frontage to which this application relates.

A house is located to the north and residential to the south, including a barn conversion along the frontage. St Edmund's Church (grade II listed) is situated some 100 metres to the north beyond a converted chapel (no. 259) and "The Old Post Office".

Planning History

H19-0539-16 - O/A - Residential development (3 dwellings) - Granted 28 July 2016

H19-0937-18 - RM - Erection of three dwellings following Outline approval H19-0539-16 - Approved 14 November 2018

H19-0279-20 - NMA - Erection of 3 dwellings - approved under H19-0937-18. Amendments to fenestration and design in relation to Plot 3 - Refused 11 June 2016

H19-0545-20 - NMA - Erection of 3 dwellings - approved under H19-0937-18. Amendments to design and internal alterations to Plot 3 - Approved 27 July 2020.

Consultation responses

Sutton St Edmund Parish Council

Object for the following reasons:
- The application is moving away from the original development consideration as currently approved.
- Removal of wall. This would provide privacy for the homeowners, as well as an element to cover privacy from the road and take away the stark new build development within the village scene, so important to Sutton St Edmund's heritage.
- Trees have not yet been planted and are important to both the 'village scene'.The planting should remain as approved, enhancing the local environment and a continuation of Sutton St Edmund's heritage landscape.
- Changing the site development with this application moves away from the heritage of the site recognising its former farm status and the significance of its role within the history of the village.
- Parking allocations were considered as part of the approved development proposals with each house having 2 allocated spaces in line with current planning guidelines and a central area off the approved singular entrance, which would allow people to alight from vehicles including children who would already be closer to their homes.
- The proposal in the application to install a timber gate raises concerns as to the safety for pedestrians on the footpath on Broadway, other vehicles using the main road and neighbouring properties.
- Would pose a particular problem for regular traffic which regularly passes through the village and have wider than normal axle widths including farm machinery.

LCC Highways

Does not wish to restrict the grant of permission.

North Level IDB

No comments.

Public

Objection received (summarised):
- Original Plans included the reinstatement of the 2 m high wall and trees to provide privacy for the homeowners, as well as an element to cover privacy from the road and take away the stark new build development within the village scene.
- The trees have not yet been planted and they're important to both the 'village scene' but also the initiatives promoted through local and central government. Their planting should remain as approved enhancing the local environment and bringing benefit to the dwelling.
- Changing the site development with this application moves away from the heritage of the site, recognising its former farm status and the significance of its role within the history of the village. It will not be in keeping with the overall 'barn' characteristics.
- Parking allocations must have been considered as part of the approved development proposals with each house having 2 allocated spaces in line with current planning guidelines and a central area off the approved singular entrance which would allow people to get out of cars etc including children.
- The proposal in the application to install a timber gate raises concerns as to the safety for pedestrians on the footpath on Broadway and other vehicles using the main road. In the event of the gate requiring to be opened when a vehicle is waiting to park in this new area, there seems too little space to allow a car off the road and also stop the footpath from being blocked? Isn't this a H&S risk for us as a villagers as this is the only footpath?
- Concern for regular farm traffic which pass through the village on many occasions and have wider than normal axle widths including farm machinery creating a road hazard as well as lorries.
- New driveway and gate too close to neighbouring property possibly causing hazard for vehicle to see safely down Broadgate before pulling out without blocking pedestrian footpath or possibly running into a pedestrian coming along by neighbouring property who's not seen especially in Winter periods when nights are darker.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance and amenity;
- Highway issues.

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 inside Sutton St Edmund Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres, including Sutton St Edmund, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will be limited to committed sites and infill.

In this case, the proposal is for a new vehicular access ancillary to the existing dwelling. Therefore, the principle of development for the proposal is acceptable unless material 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

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan, 2019 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should create a sense of space and respect the character of the area within which it is situated.

The approved plans accompanying reserved matters approval ref. H19-0937-18 indicate that plots 1-3 would be served by a central access with the provision of a 1.8 metre high brick wall each side along the frontage. The current proposal involves the removal of a three-metre section of garden wall fronting the southernmost dwelling (plot 1) to accommodate a new vehicular access, plus retention of the remaining wall at a height of approximately 1 metre.

It is accepted that a 1.8 metre high brick wall along the whole frontage would more closely reflect the site's former agricultural status. However, the building formerly on this site was utilitarian in terms of appearance. Moreover, the site is not within a conservation area and the dwellings permitted on plots 1 and 2 are of contemporary design and do not reflect a traditional barn conversion to any great extent. Also, an access was originally in this position. Taking this into consideration, it is considered that the proposal would not materially harm the street scene or the character or appearance of the locality. Nor would the proposal affect the setting of the former chapel, which is a non-designated heritage asset, or St Edmund's Church (grade II listed). The latter is situated some 100 metres to the north.

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 the 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 (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

A 4-bed house (plot 2) is located to the north and residential to the south, including a barn conversion fronting the footway and associated garden at the rear. The approved scheme includes a single central access to all three plots. The proposal would result in occupiers of plot 1 being able to use an access immediately in front of their property, which would have less of an impact upon occupiers of plot 2. The barn conversion to the south has a blank gable facing the site, plus a 1.8 metre high brick wall along its garden at the rear. Although a 1.8 metre high wall would give occupiers of plots 1 and 2 some privacy the dwellings are positioned sufficiently far back as to render this unnecessary.

It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, etc.

The proposal is in accordance with Policies 2, 3 and 30 of South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

Concerns have been raised on highway and parking grounds. However, the lowering of the garden wall would actually increase visibility to the north. Ample car parking is available upon the site for a 4 bed house and would not be prejudiced. LCC Highways have raised no objections on highway safety grounds.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Landscaping/ecology

Policy 3 of the SELLP 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 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

It is noted that two Prunus "Accolade" (Flowering Cherry) trees which formed part of the original approval would need to be excluded from the scheme to accommodate the development. It is considered that a condition should be imposed to ensure that they are planted elsewhere on the plot for bio-diversity reasons.

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 proposed development would not materially harm the character or appearance of the locality, or setting of heritage assets further to the north. Nor would it materially harm the amenity of nearby residents in terms of lack of privacy, noise and disturbance, etc. LCC Highways have raised no objections on highway safety grounds. Points of objection received have been taken into consideration but are not considered to be such as to outweigh factors in favour of the proposal.

Conclusion

The proposal satisfactorily accords with Policies 1, 2, 3, 28, 29 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021. It is therefore recommended that the application be approved under delegated powers.

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.