

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0069-24 **Applicant:** Mr D Sullivan
Proposal: Proposed dwelling - outline approval H20-0936-20
Location: Adj 28 Jarvis Gate Sutton St James Spalding
Terminal Date: 27th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment
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 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	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	1	0	0

CASE OFFICER ASSESSMENT

Proposal

The site has outline permission for the erection of a dwelling, with all matters reserved for subsequent approval (ref. H20-0936-20). Reserved matters approval is now sought for a two-bed bungalow.

Site Description

The site (some 0.052ha) is currently residential curtilage associated with No. 28 Jarvis Gate (house). It has three mature trees along its frontage, which are the subject of a tree preservation order (Sutton St James TPO No. 7, 2006).

A chalet (No. 30) is located to the north of No. 28 Jarvis Gate and a bungalow (No. 24) to the south beyond a drain and field access.

History

H20-0936-20 - Outline - Proposed Dwelling - Approved 1 March 2021.

H20-0082-24 - Cond Comp - Details of boundary treatment/screening & foul & surface water disposal (Conditions 4 & 8 of H20-0936-20) - Under consideration.

Consultation Responses

Sutton St James Parish Council

No response received.

LCC Highways and Lead Local Flood Authority

No objections.

South Holland Internal Drainage Board

If infiltration is not feasible at this site, we would expect the applicant to propose to discharge surface/treated foul water to a watercourse. In this case, consent would be required under Byelaw 3.

Environmental Protection

No comments regarding land contamination.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of support has been received.

Key Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent (ref: H20-0936-20). This application is therefore to assess the reserved matters; namely,

- i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used);
- ii) the means of access to the site; and
- iii) the landscaping of the site (including boundary treatment).

A separate condition compliance application has been submitted to discharge other conditions attached to application ref. H20-0936-20. Condition compliance application ref. H20-0082-24 refers.

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.

Layout, scale and external appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

Existing development within the vicinity is an eclectic mix, including both houses and bungalows. The bungalow would be set slightly further back than No 28 Jarvis Gate and would be constructed in Ibstock Aldridge Anglian Red bricks with Marley Mendip smooth grey roof tiles. The scale and design is considered appropriate for the plot and would not materially harm the character or appearance of the locality. The proposal therefore accords with Policies 2 and 3 of the SELLP in this respect.

In terms of amenity, the proposal is for a single storey dwelling. Finished floor levels would be 300mm above existing ground level. The submitted site plan indicates that 1.8 metre high close boarded fencing would be provided along the northern boundary adjoining No. 28. Fencing presently exists along the southern boundary and also along the northern boundary of No. 24 Jarvis Gate, with an agricultural access between.

It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds.

Means of access

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.

The access has been demonstrated to be 4.1m wide to allow the safe passage of two vehicles and would be constructed to Lincolnshire County Council specification. The proposed property will be a 2 bed bungalow - parking has been shown for both the host and proposed dwelling in addition to a turning facility.

The County Highways Authority raises no objections on highway safety grounds. The proposal therefore accords with Policies 2, 3 and 36 on highway grounds.

Landscaping

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 details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The site is already well landscaped. Three preserved trees along the frontage are to be retained, plus frontage hedging. The landscaping scheme is considered acceptable, on balance, in this respect.

Planning Balance

As detailed above, 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.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan 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 the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, 28 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2023).

There are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal 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 under Delegated Authority.