

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H20-0123-22	Applicant:	Mr & Mrs S & B Sutton
Proposal:	Proposed House & Garage		
Location:	Adj. 79 Chapel Gate Sutton St James Spalding		
Terminal Date:	30th April 2022		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

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	1	1

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed house and garage on land adjacent to 79 Chapel Gate, Sutton St James. It is effectively a re-submission of the proposed development previously approved by virtue of application ref. H20-0378-18.

The proposal is for a 5-bed detached dwelling along with a detached garage and study above. The proposed dwelling would be on the same building line as the existing properties but the garage is proposed to be located to the rear of no. 79. The existing access adjacent to number 87 is proposed to be utilised to access the garage.

Site Description

The site is an unused plot of greenfield land between numbers 87 and 79 Chapelgate. No. 79 is a detached dwelling and no. 87 is semi-detached. There are semi-detached and detached properties of different designs along the opposite site of Chapel Gate. Existing residential development in the area is therefore fairly varied overall. There is an existing garage located on the site with some hedging towards the rear. Behind this hedging is a gravelled parking area.

History

H20-0378-18 - Full - Proposed house and garage (approved July 2018)

H20-0028-19 - Details of landscaping, design and position of external boxes, gas flues and soil vent pipes and scheme to deal with contamination or pollution (Conditions 3, 4 and 7 of H20-0378-18) (approved January 2019)

Consultation Responses

Sutton St James Parish Council - The council supports this application as long as building regulations are maintained and there is no encroachment into any neighbouring properties for loss of light etc.

South Holland Drainage Board - Having screened the application, the site in question lies outside the Internal Drainage District of the South Holland Internal Drainage Board and as per our Planning and Byelaw Strategy the proposed application is classed as a minor development and does not meet our threshold for commenting. Therefore, the Board has no comments to make.

North Level District IDB - No comment to make with regard to the above application.

SHDC Environmental Protection (contaminated land) - I request that either of the following conditions be applied at this location: a) i) Prior to the commencement of any development details of precautionary ground gas protection measures shall be submitted to and approved in writing by the Local Planning Authority. ii) Prior to the first occupation, a suitably detailed ground gas verification report shall be submitted and approved in writing by the Local Planning Authority. OR b) The

standard land contamination conditions be applied

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Public (2 objections received, summarised) -

- Two storey garage will impact on field views

- Overlooking from windows of proposed garage/office space

Planning Considerations

Principle

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 site is located within the settlement boundary for Sutton St James Settlement as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Sutton St James, 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 normally be limited to allocated and committed sites and infill. The development would constitute infill. No objections are therefore raised in locational terms.

Character/Appearance

The proposal is for a 5-bed detached dwelling along with a detached garage and study above, to be constructed of Hoskins Old Farmhouse Facing Brick and Sandtoft BritLock Graphite Roof Tiles. The site is located within an existing frontage and any development upon it would constitute frontage infill. The proposed dwelling would be on the same building line as the existing properties but the garage is proposed to be located to the rear of no. 79. Existing residential development in the area is fairly varied overall with a mix of semi-detached and detached two-storey properties of different design. The dwelling would be similar in appearance to no. 96 close by. Given this, it is considered that the scale, design and materials of the proposed dwelling would be appropriate for the site.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Residential Amenity

It is not considered that the proposed development would have a material adverse impact in terms of overlooking, loss of light or overshadowing.

The application site is a frontage plot between existing dwellings extending in either direction east and west. There would therefore be no material overshadowing impact in light of the path of the sun.

The only side facing window proposed to the dwelling itself is to a shower room, so would be obscure glazed and not create an overlooking impact.

There is a separation distance of approx. 6.4m to the dwelling to the west and approx. 4.6m to that to the east. Both of these dwellings have windows which face toward the site, but these appear to either to be non-habitable rooms or there is another window that would serve that room. There is no material alteration to the relationship between dwellings since the previous approval. On balance, it is therefore considered that the relationship can be accepted.

The proposed garage would be sited to the rear of no. 79 at approx. 14m away. Roof lights are indicated on the north facing roof slope of that garage building to serve the study at first floor level. Given the potential for overlooking, a condition will be added to protect the privacy of the property to the north. The garage building would not be unduly overbearing or create an unacceptable

overshadowing impact at such a distance.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk and Drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates that the site is not subject to flood hazard or flood depth and is therefore more sequentially preferable in flood risk terms. However, it is good practice to still raise floor levels by 300mm as a precautionary flood risk measure. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways. There are no known permeability issues in this area that would preclude the use of soakaways. The proposal is to make connection to the existing mains network for foul water disposal and Anglian Water are obligated to accept such flows from new development.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Highways/Access and Parking

The existing vehicular access from Chapel Gate will serve the new dwelling, with the new driveway being located to the rear of the property. The Highway Authority have been consulted on the application and have not objected on highway grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

With regard to parking provision, Appendix 6 of the Local Plan sets out minimum parking standards for new developments. This sets out a requirement for 2 vehicle parking spaces for dwellings with up to 3 bedrooms. There is sufficient space within the curtilage to meet these requirements.

Other Considerations

SHDC's Environmental Protection Officer has requested that either a suitably detailed ground gas verification report be submitted prior to occupation of the dwelling or that the standard land contamination conditions be applied. The standard contaminated land condition was applied to the previous consent and that condition was discharged by virtue of condition compliance application ref. H20-0028-19. Those documents that were previously approved have now been submitted to accompany this application and therefore it is not considered necessary to impose either of the suggested conditions.

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 application site lies within the settlement boundary for Sutton St James and the principle of residential development in this location is acceptable. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk and drainage matters are considered to have been appropriately addressed.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

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.

Conclusion

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 30 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019).

The recommendation is therefore for a delegated approval.