DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H20-0410-20**	**Applicant:**	**Mr J Powley**
Proposal:	Erection of detached dwelling - outline approval H20-0062-18		
Location:	Adj. 23 Fishergate Sutton St James Spalding		
Terminal Date:	21st July 2020		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14 and 15

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site is part of an area of land that has outline planning permission for residential development (ref. H20-0062-18). Reserved matters approval is now sought for a 3 bedroom chalet bungalow on plot 1.

Site Description

The application site is former agricultural land located on the western fringe of the village. A drain runs along the frontage.

A house is located to the south-east (Greensleeves, 23 Fishergate) and a bungalow (no 28) opposite.

History

H20-0062-18 - O/A - Residential development - Granted 26 March 2018

Land at the Rear

H20-0839-18 - O/A - Residential development - refused 3 December 2018. Dismissed on appeal.

H20-0873-19 - O/A - Residential development - re-submission of H20-0839-18 - Refused 29 November 2019.

Consultation Responses

Sutton St James Parish Council - Object on the grounds of it being outside of the village development boundary, is very large for a single use and the building is completely out of character, being 3 storeys high, with that road and the rest of the village. The plans also include an entrance leading out onto Fishergate, and the Council has concerns this may be used for future developments.

LCC Highways/SUDs - Does not wish to restrict the grant of permission. Request notes.

South Holland Internal Drainage Board - Request drainage strategy.

Public - Objection received on grounds of lack of privacy/overlooking.

Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent (ref: H20-0062-18). This application is therefore to assess the reserved matters, namely:
i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
ii) the means of access to the site;
iii) the landscaping of the site;
iv) other matters such as the existing and proposed site levels and floor levels of the buildings and hard surfaced areas and drainage.

Existing development within this part of the village consists predominantly of bungalows. However, there are higher/larger buildings within the vicinity, including a two storey dwelling situated on a spacious plot to the south-east and other commercial buildings nearby.

Permission is sought for a two and a half storey 6 bedroom house. Two of the six bedrooms would be in the roofspace. It would be constructed in Old Farmhouse Vandersanden facing bricks with a terracotta pantile roof. Windows would be in white timber and aluminium. The dwelling is considered to be of a high standard of design. Hawthorn hedging would be planted along part of the north-western boundary bordering open countryside.

Whilst a bungalow would have been the most appropriate form of development upon the site it is considered that the proposed dwelling would not materially harm the character or appearance of the streetscene or rural locality given the aforementioned factors. The proposal therefore satisfactorily

accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

In terms of amenity, Greensleeves (no 23) itself is located some 17.5 metres from the common boundary. The south eastern (side) elevation facing Greensleeves has an en-suite window only at first floor level, which will be obscure glazed. A bedroom window above the garage on the front extension is set further back some 17 metres from the common boundary. A balcony is located at the rear, but is set well back and is approximately 21 metres from the rear of Greensleeves. 2.4 metre closeboarded fencing is proposed along the common boundary to address increased finished floor levels as a result of flood risk.

The design of the property and general relationship to no 23 and the bungalow opposite is considered to be such that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc. The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds.

The proposal includes a double garage and at least 2 further parking spaces, plus vehicular turning facilities. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds, subject to a condition relating to the footway. However, this isn't necessary because such a condition was imposed at the outline stage. The proposal accords with Policies 2, 3 and 36 on highway grounds.

Concern has been raised over a new vehicular access into the field that could serve future development. However, such an application would have to be assessed on its own merits and there have been previous refusals for residential development on the land to the rear.

Foul water would be disposed of to a mains drain and surface water to crate soakaways. This arrangement is considered to be acceptable.

It should be noted that conditions imposed on the outline permission relating to contamination and a frontage footway will need to be discharged by means of a separate condition compliance application.

Conclusion

The proposal satisfactorily complies with the reserved matters and is in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

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.