DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H20-0553-20**	**Applicant:**	**L Dodd, A Merchant & P Roffe**
Proposal:	Residential Development - 3 plots including accesses and field access		
Location:	North Of 35 Jarvis Gate Sutton St James Spalding		
Terminal Date:	10th September 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
11	Distribution of New Housing
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 9, 12, 14 and 15

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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for 3 plots including accesses and a separate field access.

Site Description

The site (some 0.31ha) is currently grassland located on the western side of Jarvis Gate opposite the junction with Broad Gate. A bungalow (no 35 Jarvis Gate) is situated to the south.

History

No recent history.

Consultation Responses

Sutton St James Parish Council - No response.

LCC Highways/SUDs - No objections in principle.

Environmental Protection - No comments or objections.

Public - Resident objections received (summarised):
Located on dangerous corner/junction; Speeding traffic and have been accidents; Overlooking/lack of privacy; Next to existing kennel block; Bungalows would be more appropriate;

Planning Considerations

The main issues in this case are:
- Policy/principle;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Policy/principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The appeal site is located outside of Sutton St James Settlement Boundary as defined in the adopted South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside.

SELLP Policy 1 directs developments within settlement boundaries. It defines Sutton St James as a low tier settlement or "Minor Service Centre". Development within the settlement is normally limited to allocated and committed sites and infill. Policy 1 also indicates that development in the countryside will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

In terms of the first element, it is considered that there is not sufficient justification for housing in this location. For example, it is not required by a rural worker.

Concerning the second element, the proposed development may be considered suitable in terms of access to local services and facilities, which include a local shop, fish and chip shop, public house, hairdressers, village hall, recreation ground, etc.

However, the appeal site is a grassed field and is bounded by open countryside on three sides. The proposal would domesticate and substantially alter the rural character of the site and extend the built-up area into the countryside. The proposal would result in a significant encroachment into the countryside, to the detriment of the character and appearance of the area.

Consequently, it is considered that the proposed development would not provide a sustainable location for new housing having regard to the character and appearance of the area. Therefore, it would conflict with Local Plan Policy 1 which seeks to direct development within settlement boundaries and with Local Plan Policy 2, which requires developments that respect the character and appearance of the area among other things. The proposal would also conflict with paragraph 127 of the Framework, which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Residential Amenity

The nearest property is a bungalow located immediately to the south (no. 35 Jarvis Gate). The latter has a domestic kennel block (maximum of 6 dogs) approved by virtue of planning permission ref. H20-0324-90. It is considered that the development, if permitted, may well lead to noise complaints by future occupiers as a result of the barking of dogs. Consequently, the proposal fails to satisfactorily accord with Local Plan Policy 3.

It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect and overshadowing.

Highway Safety

Concerns have been raised by local residents on highway safety grounds. However, LCC Highways have raised no objections in principle subject to details of a frontage footway from the field access along the site's boundary, making connection with the existing footway along Jarvis gate to the south. This matter could be addressed by means of a Grampian condition if permission was to be forthcoming, subject to consent from the South Holland Internal Drainage Board.

The development also falls beyond the 30mph speed limit. LCC Highways has therefore indicated that there would be a requirement to extend the speed limit in order to accommodate the proposal. This would involve a contribution of £2800 via a S106 planning obligation if the proposal was acceptable in all other respects.

Other Material Considerations

Flood Risk - The site is within Flood Zone 3 of the Environment Agency's Flood Maps. They 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. In this respect, the site is predominantly within an area of no hazard. It is therefore considered that the proposal satisfies the sequential test. In terms of the exceptions test, 300mm FFLs are recommended if permission is forthcoming.

Drainage - This matter could be addressed by means of conditions if permission was forthcoming.

Ecology - Although the site is agricultural land it is bordered by drains. An ecological survey would therefore be recommended if permission was forthcoming.

Conclusion

The site is agricultural land outside Sutton St James Settlement Boundary as defined within the South East Lincolnshire Local Plan, 2019. The erection of housing on the site would substantially alter its existing open and rural character and extend the built-up area of the settlement into the

countryside, to the detriment of the character and appearance of the area.

Moreover, the site is located next to an existing kennel block, which may lead to complaints of noise nuisance by future occupiers of the properties as a result of the barking of dogs.

The site is not therefore considered to be a sustainable location for new housing. Consequently, the proposal conflicts with Policy 1 of the South East Lincolnshire Local Plan, 2019, which seeks to direct development to within settlement boundaries and with Local Plan Policies 2, 3 and 30, which require new development to respect the character and appearance of the area and protect the amenity of residents. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework, 2019, which indicates that new development should be sympathetic to local character and add to the overall quality of the area.

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.