DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0632-22**	**Applicant:**	**Mr S Barker**
Proposal:	Residential Development including the demolition of 87 Chapel Gate		
Location:	87 Chapel Gate Sutton St James Spalding		
Terminal Date:	11th October 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
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
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.
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
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	1	0	2
RESIDENTS	6	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (maximum 17 plots), with all matters reserved for subsequent approval. An existing frontage dwelling (no. 87) would be demolished to gain access to the site. The application is accompanied by an indicative site layout plan showing 17 dwellings on the site, including a replacement of no. 87. It also includes an indicative area for 6 no. affordable properties.

Site Description

The site (approx. 0.78ha) is land located to the rear of no. 87 Chapel Gate. It is mainly grassed and includes a number of small buildings ancillary to no. 87 within the northernmost part of the site. Frontage dwellings are situated to the north off Chapel Gate and also to the east off Baulkin's Drove.

Policies/Constraints

The site is outside Sutton St James Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019.

Planning History

H20-0990-17- Outline - Residential development - Refused 6 August 2018.

Neighbouring property to the east:

H20-0123-22 - Full - Proposed House & Garage - Granted 14 April 2022.

Consultation Responses

Sutton St James Parish Council

Supported providing the affordable element of the development can be secured.

LCC Highways/SUDs

Request drainage strategy that incorporates sustainable principles.

North Level IDB

No comments.

Environmental Protection

Noise - No objections subject to construction management plan.

Housing Strategy

Recommend S106 that secures a minimum of 25% of the total number of dwellings as affordable housing.

LCC Historic Environment Officer

Recommend archaeological evaluation to be considered alongside the application.

Environment Agency

Request condition.

Anglian Water

The foul drainage from this development is in the catchment of Sutton St James Sutton Gate Water Recycling Centre that will have available capacity for these flows. Request conditions.

LCC Education

Request contribution.

NHS Lincolnshire

Request contribution.

Public

Objections received, including petition containing 48 signatures(summarised):
- Contrary to South East Lincolnshire Local Plan, 2019, which provides for infill only;
- Out of character with village. Overwhelm it;
- Local services inadequate. Poor public transport and dearth of employment opportunities.
- Overlooking/lack of privacy;
- Overshadowing/loss of sunlight;
- Noise/disturbance and vibration;
- Increased traffic, to the detriment of highway safety. Already high volume of traffic;
- Create potentially dangerous access point close to existing junctions;
- Village already suffers from congestion during peak times, especially Bells drove during school hours where there is already limited provision for parking and parents have to park elsewhere and walk;
- Access issues in respect of neighbours;
- Close to neighbouring property;
- Doesn't provide any facilities for children to play;
- Already sufficient new housing, including social and affordable housing, within this part of the village;
- Lack of affordable housing companies prepared to take on social rented properties;
- Field poorly drained and often floods. Encroach onto neighbouring property;
- Wildlife haven;
- Already environmental issue from dyke behind this field due to sewerage from affordable housing

scheme;
- Set precedent for further housing;
- Construction site dangerous for children;
- New roadway should be constructed to adoptable standards for construction traffic, etc if allowed. Include footways on both sides for children;
- Ownership issues;

Material Considerations

The main issues in this case are:
- Whether the proposal would represent a sustainable form of development, having regard to social, economic and environmental factors, including proximity to local services and the effect of the development upon the rural character and appearance of the rural locality;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage, contamination, archaeology, ecology and S106 contributions.

Principle/ Sustainability

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 relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), which was adopted in March 2019. The Council has a housing land supply exceeding five years (5.9 years on 31 March 2022).

The site is located outside Sutton St James Settlement Limit as defined within the SELLP. It is therefore regarded as being within the countryside. The Local Plan defines Sutton St James as a low tier settlement or "Minor Service Centre" and limits new development to allocated and committed sites and infill. Policy 1 (Spatial Strategy) of the SELLP 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.

Addressing the first element, it has not been demonstrated that residential development is necessary in this particular location; for example, in conjunction with agriculture, another rural based business or affordable housing.

Concerning the second element, the relevant factors are addressed below.

An Economic Role - the proposal would contribute towards housing supply and future occupants may work locally and support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

A Social Role - the proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. The site is adjacent to the existing built-up area of Sutton St James. The latter is defined as a Minor Service Centre in the SELLP. It has local services and facilities such as a junior school, shop, post office, butchers, fish and chip shop, garage/petrol filling station and community centre. It is also on a public transport route. The site is reasonably accessible to these services.

An Environmental Role - The site is within a part of Sutton St James that is principally characterised by frontage development along Chapel Gate and Baulkin's Drove. The proposal constitutes a form of development that would intensify and consolidate existing development within the western part of the village, to the detriment of the area's rural character. The development would encroach into the countryside and would erode the rural feeling on the fringe of the settlement, to the detriment of the prevailing rural character of the area.

It should be noted that the site differs from an allocated housing site further to the west (ref. Suj012), which extends beyond existing frontage development, in the sense that the latter was previously occupied by a significant number of buildings (former piggery) and was not open land.

The proposal therefore conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as

well as consideration of the relationship with existing development and land uses. These policies are in accordance with advice within the National Planning Policy Framework, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph174 seeks to protect the character of the countryside.

Residential Amenity

Policies 2 and 3 of the SELLP 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.

The site is located to the rear of existing development off Chapel Gate and Baulkin's Drove. However, the access point is relatively wide. It is noted that land to the east has planning permission for a detached 5-bed house, with access along the existing roadway to a garage at the rear (ref. H20-0123-22). However, it has a blank elevation facing west and the boundary could be screened with fencing.

Residential properties are also situated to the east off Baulkin's Drove. However, the indicative plan shows satisfactory separation distances between the existing properties and the proposed new development generally. 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, overshadowing, noise and disturbance, etc.

It is accepted that there would be some disruption to local residents during the construction stage. However, this would be temporary and could be alleviated by means of a construction management plan if permission was forthcoming.

The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.

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.

The indicative plan includes an adoptable road, other than a small length of private roadway in the southernmost section serving 5 properties. It is noted that objections have been received on highway safety grounds, including increased traffic and a potentially dangerous access point close to existing junctions. However, the County Highways Authority has been consulted and has not objected on highway safety grounds.

Issues have been raised over ownership of the new access roadway and use thereof to access neighbouring property. However, there are no objections on highway safety grounds to this arrangement. In terms of ownership, the appropriate notice has been served according to the application form. Any dispute over this issue is a separate legal matter.

The proposal does not therefore materially conflict with Policies 2 and 3 of the SELLP in terms of highway safety. These policies are in accordance with advice within the Framework, 2021. Paragraph 111 indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Material Considerations

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience

measures to ensure the development maintains an appropriate level of safety for its lifetime.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, 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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test. In this respect, the site is within an area of no hazard. The Environment Agency has requested that finished floor levels be set at 300mm above ground level, should permission be forthcoming.

In terms of drainage, Policy 4 of the SELLP indicates that the development should incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

Anglian Water has indicated that the foul drainage from this development is in the catchment of Sutton St James Water Recycling Centre that has available capacity. Concerning surface water drainage, SUDs have requested the submission of a drainage strategy that incorporates Sustainable Drainage principles. This could be addressed by means of a condition, although it would be difficult to accommodate within the indicative layout.

Contamination

Environmental Protection previously recommended a contaminated land condition due to the former use of the site. This matter could be addressed by means of conditions if permission was forthcoming. Pollution within the adjoining drain falls within the remit of separate environmental legislation.

Archaeology

This site is in an area of the fens that was widely settled during the later prehistoric and Roman periods. Cropmarks indicate the presence of prehistoric or Roman settlement both north and south of the present village, and it is therefore likely that archaeology of a similar nature could exist in this area, for which no site-specific evidence is presently available. The site also lies close to the historic core of Sutton St James, which developed during the medieval period in a linear form either side of Church Gate, between the parish church and the village cross.

Insufficient information is available at present with which to make a reliable observation regarding the impact of this development upon any archaeological remains. LCC Archaeology has therefore recommended that further information is required from the applicant in the form of an archaeological evaluation prior to the grant of any permission.

Ecology

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 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.

The nature of the site is such that it would not be an ideal habitat for protected species. Nevertheless, given comments raised by third parties, it is recommended that any permission be subject to an ecological survey first being carried out, plus a condition relating to ecological enhancements.

S106 Contributions

Both NHS Lincolnshire and LCC Education have requested Section 106 funding should planning permission be forthcoming. Any approval should also include 25% affordable housing.

Planning Balance

It is recognised that the proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. It would also contribute towards the local economy and create employment opportunities associated with the construction, albeit in the short term. However, the benefits are outweighed by the harm that the proposal would cause in terms of environmental factors, including the development's effect upon the character and appearance of the village and rural locality.

The site is within a part of Sutton St James that is principally characterised by frontage development along Chapel Gate and Baulkin's Drove. The proposal constitutes a form of development that would intensify and consolidate existing development within the western part of the village, to the detriment of the area's rural character. The development would encroach into the countryside and would erode the rural feeling on the fringe of the settlement, to the detriment of the prevailing rural character of the area.

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 and 3, which require new development to respect the character and appearance of the area. The proposal would also conflict with advice within the National Planning Policy Framework, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph174 seeks to protect the character of the countryside.

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

For the reasons outlined above the proposal is not considered to be sustainable development.

Recommendation

Refuse permission under delegated powers.