DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H20-0761-23	**Applicant:**	Mr P Heanes
Proposal:	Proposed storage building for motorbikes (Personal Use) and extension to domestic curtilage		
Location:	Rear Of 147 Chapelgate Sutton St James Spalding		
Terminal Date:	17th November 2023		

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

2 Achieving sustainable development
4 Decision-making
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

Planning Practice Guidance.

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

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the erection of a storage building for motorbikes (Personal Use) and extension to domestic curtilage.

The dimensions of the structure are 18.7 metres long, x 9 metres wide x 4.9 metres high. This is 168.3 metres in area.

The materials are olive green plastic coated corrugated sheets to the walls and roof.

The proposal is situated in a yard that belonged to the piggery. The red line of the application is arranged so that part of the former yard is to become part of the domestic curtilage of the host bungalow, making it into a residential curtilage. The shape of the curtilage is unconventional as it excludes a large commercial building on site, and an adjacent bungalow belonging to a relative.

It would be situated 2m in from the boundary with Taylor's Drove and set in 1m from the boundary with residential development of 30 dwellings under construction at the present time. One small terraced property in particular will be in very close proximity to the proposed structure.

Site Description

The site is situated on the south side of Chapelgate,within the settlement boundary of Sutton St.James. The planning unit as part of this application encases 147 Chapelgate, a bungalow, two agricultural storage sheds and two cabins stacked on top of one another plus a yard area with various vehicles, open storage and agricultural machinery on parts of the site. The Bungalow Avalon is excluded from the red line area which it is understood is within the ownership of a relative. A blue line area is shown adjacent to Taylor's Drove which houses a further agricultural building marked as a commercial building.

Planning permission has been granted for 30 dwellings to the immediate south of the site on the former piggery area, which was part of the overall piggery complex. Part of that site is under construction. There is currently no permanent boundary between the site under construction and the application red line area, apart from temporary Heras fencing.

History

History to the immediate south of the site

H20-0296-23 - Residential development comprising 30 dwellings with associated estate roads, landscaping & open space - approved under H20-0947-21. Modification of Condition 6 to allow for occupation of dwellings on part of site that is not classified as contaminated i.e. Plots 1 to 12 inclusive before verification report is submitted. - Approved 9 August 2023

H20-0689-22 - Details of external materials, contamination, external boxes for gas and electricity, construction management Plan/method statement, estate road phasing and completion plan and

foul water drainage works (conditions 3, 5, 9, 11, 13 and 14 of H20-0947-21). Approved 9 December 2022.

H20-0947-21 - Residential development comprising 30 dwellings with associated estate roads, landscaping and open space. Approved 24 May 2022.

H20-0043-18. FULL. Residential development for 27 dwellings including roads.
Included S106 to provide four affordable dwellings and an education contribution calculated at that time to be £84,957. Approved 25-02-19.

H20-0284-16. OUTLINE. Residential development - up to 42 dwellings. Included S106 contribution to provide for education calculated at that time to be £137,367. Approved 06-06-17.

Consultation Responses

LCC Historic Places Team

No archaeological input required.

SHDC Conservation Officer

The site is set within visual range of the Grade II listed remains of the St Ives cross. However, the proposal would be situated at such a distance from the heritage asset that it would not risk altering the character of the listed asset. It should also be noted that the nature of the asset is such that developments at such a range do not risk its overall setting and therefore value.

Furthermore, similar storage/commercial structures are already visible within close proximity to the setting.

Therefore, for the above reasons the proposal would not risk impacting upon the setting or significance of the heritage asset, and therefore, by virtue of a lack of impact, this proposal would preserve its significance, as is required by Policy 29, Section A (3) of the SELLP.

Resultantly, the case officer may continue to consider this application in accordance with Policy 29 of the SELLP and S16 of the NPPF in addition to all other relevant policy and guidance considerations.

SHDC Environmental Protection

Suggested standard land contamination conditions in the event of an approval. With regards to potential noise nuisance, a condition that garage building is for storage only was suggested.

North Level IDB

Unable to comment as no details of surface water drainage associated with the application.

Planning Considerations

Principle and Sustainability

Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is within the defined settlement boundary of Sutton St. James which is designated as a Minor Service Centre. Within the settlement boundaries of the Minor Service Centres, development is permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will
normally be limited to Allocated and Committed sites and infill.

The proposed structure is for domestic use connected with a residential dwelling and as such there is no objection in principle to the development within the settlement boundary and as a result there

is no conflict with Policy 1 of the SELLP. Its acceptability will therefore depend on other material considerations.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to landscape character, and take into account residential amenity.

The size of the structure is much larger than a standard domestic garage or shed that would appear in a conventional residential garden. It is recognised that the site used to be part of a wider site that was a piggery, so on site and nearby are agricultural style structures that were part of the piggery use. One such structure is outside the red line of the application but within the ownership of the applicant, another large barn is situated within the curtilage but to the east of the location of the proposed structure. However, part of the application is to turn the former yard into a residential curtilage, not retain the yard as an agricultural yard. In visual terms, the introduction of a new structure, which is akin in scale to an agricultural barn, is completely out of scale and character with a residential curtilage. It is recognised that some former agricultural structures exist on site - but there are lawful and as such are immune from enforcement action. The introduction of a new large structure is at odds with the character of a residential garden.

It is also recognised that there is a double storey structure present on site which appears to be a temporary cabin/site office as part of the redevelopment of the site to the south. This would need to be removed to allow for the proposed structure to be erected. This is again not in character with a residential curtilage, although this is not part of the planning application under consideration.

Compared with a conventional domestic shed or garage, a 163 metre square storage shed, at 18m long and 9m wide is excessive in size, out of keeping and out of proportion with a domestic garden. Whilst it is understood that erecting a structure would assist in clearing up the open storage on the yard, other structures exist on site that could serve this purpose. Whilst a condition could be placed on a structure restricting its use to domestic storage only, consideration needs to be given to an additional storage structure on a now domestic garden. In design terms the materials resemble that of an agricultural building given that it is corrugated plastic sheeting. The materials are not those of a domestic garden and are out of keeping. The proposed size, scale and length of the structure would dominate this part of the domestic curtilage, and would be out of scale and out of keeping with residential character which is changing as a direct result of the residential estate being built to the immediate south.

Policy 2 specifically mentions the need to ensure that the size, scale, layout, character and appearance of the area and the relationship to existing development and land uses are key considerations to ensure proposals are acceptable, as well as the impact upon neighbouring uses by reason of visual intrusion.

Paragraph 3.3.3 of the reasoned justification to policy 2 states that many occupiers of existing buildings may wish to create extra space by adding an extensions. The paragraph goes on to state "It is however, important that any extension is carefully designed to respect and relate to the original building and integrates sensitively with the character and appearance of the surrounding area". The proposed structure fails to do this in relation to the residential estate being constructed 1m to the south, and in particular the row of residential properties along plots 27-30 - in particular plot 30 as approved under reference H20-0947-21 (see History section above). The design is in no way sensitive to the adjoining development. Such a large structure would completely dominate the adjoining small residential row of terraces, especially plot number 30. In this manner this does not reflect the need to ensure that new development reflects the principles of good design as set out in the NPPF, as mentioned in paragraph 3.3.4 of the reasoned justification to Policy 2 nor Policy 2 itself. The proposal is contrary to Policy 2 of the SELLP.

Impact on Neighbouring Future Residents

Application H20-0947-21 approved 30 houses to be developed in two phases as part of the

redevelopment of the piggery.

Plots 27 to 30 represent a small row of terraced dwellings which are in very close proximity with the proposed structure and are set 'flank on' to the proposed structure. The proposed storage shed would span the entire length of the plot of this terrace, including the entire length of Plot 30.

Plots 27-30 are 2 bedroom dwellings which are 18.3m in total length from front to back. The rear garden of Plot 30 is 9 metres deep from its rear elevation and Plot 30 is 6.73m wide. Plot 30 would be 4.9 m high to the eaves, (which is the same height of the proposed structure) and 3.4 m to the bottom of the first floor windows. Whilst the overall roof height of Plots 27-30 would be 7.7 metres, so would be higher than the proposed structure, the fact that the proposed structure is at the same height as eaves level means that the length and massing would still dominate the outlook in residential amenity terms to at least Plot 30 and potentially other dwellings aswell.

The proposed storage building would be within 1 metre of the boundary of Plot 30, and would straddle its entire length. The future occupiers of this dwelling would have a rear view and outlook completely dominated by this storage structure. Its size, scale and massing would be an extremely bulky neighbouring structure, adversely affecting the amenity of the occupiers. It is recognised that Plot 30 has not yet been constructed, and has no flank windows, but nevertheless, policies 2 and 3 specifically mention the need to protect residential amenity. Whilst it is recognised that the proposed structure is to the north of plot 30, its close proximity and height would still dominate the experience of future residents in their very small garden, and within the internal rooms of the dwelling closest to the boundary. Other plots would also suffer from visual intrusion.

Policy 3 requires the use of high quality and inclusive design. The materials, size and scale do not represent good design and it does not create a sense of place by respecting the scale and massing of neighbouring buildings, the surrounding area or residential amenity. The design is inappropriate to the local area given the proximity of the residential housing estate that is under construction, it also fails to maximise opportunities for improving the character and quality of the area, and as such is not acceptable.

Paragraph 3.4.4. of the reasoned justification to Policy 3 states that 'Good design will seek to provide a development that sits well in its surroundings by respecting the character of the place within which it is located... Sites will be influenced by the size, shape, density and materials of adjacent buildings.' The adjoining terrace has not been taken into account in any way, nor has it size respected the relatively small size of the adjacent dwellings, in fact it is understood that the structure is intended to screen the residential development, rather than complement it.

The size, siting, scale, height and bulk of the proposed storage structure would adversely affect the outlook, rear aspect and residential amenity of future residential occupiers and as such, the proposal is contrary to policies 2 and 3 of the SELLP.

Flooding Considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

The site is within Flood Zone 3 which has the highest probability of flooding. Sutton St. James is not within an area of flooding according to the Updated Strategic Flood Risk Assessment Residual Flood Hazard District Map for the Present Day (1% Fluvial/0.5% Tidal) Event Probability or the equivalent 2115 version, but is still in Zone 3.

Paragraph 159 of the National Planning Policy Framework states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

The IDB has commented that no details associated with surface water have been submitted with the application so they are unable to comment. There is therefore no information as to if the development can be made safe for its lifetime or whether or not it is likely to increase the risk of flooding elsewhere.

Paragraph 167 states that 'when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be

supported by a site-specific flood-risk assessment. ' No such site specific flood risk assessment has been submitted with this application.

National advice specifies that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55. Footnote 55 of the NPPF states that "A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3."

A minor extension is defined as a household or non-domestic extension with a floor space of no more than 250 square metres. The proposed structure is less than 250 square metres and is part of a residential curtilage; therefore it is classified as a minor extension in flood risk terms. Flood risk assessments should follow the Standing Advice.

According to Annex 3 the nearest classification of the building, would be that the structure would be 'more vulnerable' - specifically because the use is for domestic residential purposes. It could be argued that it was 'less vulnerable' because buildings used for agriculture fall into this category, but the application specifically states this is for personal use as part of a residential curtilage, even though visually it has the appearance of an agricultural building.

In this case, since no Flood Risk Assessment has been submitted that follows Standing Advice, with no surface water information or if the proposal is likely to lead to flooding elsewhere, especially in relation to the adjoining residential estate, the application is contrary to policy 4 of the SELLP.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change.

No proposals associated with mitigating the proposal in biodiversity terms have been submitted with the application. As a result the proposal does not demonstrate biodiversity net gain. The materials and design offer no mitigation which is a reflection of poor design. It is considered that the proposals conflict with Policy 28 of the SELLP as a result.

Impact on Heritage Assets

Policy 29 of the SELLP relates to the Historic Environment and states that distinctive elements of the South East Lincolnshire's historic environment will be conserved and where appropriate, enhanced.

The site is within visual range of the Grade II listed remains of the St. Ives Cross. However, the Conservation Officer notes that it would be situated at such a distance from the heritage asset that it would not risk altering the character of the listed asset. It should also be noted that the nature of the asset is such that developments at such a range do not risk its overall setting and therefore value.

As a result it is not considered that there would be harm to the heritage asset as a result of the proposal. The proposal is not considered to contrary to policy 29 of the SELLP.

Impact on Pollution

Policy 30 of the SELLP relates to pollution including mitigating the impact of noise. As the proposal is on a former Piggery, standard land contamination conditions were suggested by Environmental Protection, as well as a condition ensuring the garage was for storage only, so as to protect nearby residential occupiers from noise. Had the proposal otherwise have been acceptable these conditions would have been imposed.

Subject to conditions the proposal is not contrary to Policy 30 of the SELLP.

Highway Safety and Parking

Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6).

There is no particular standard associated with such a large storage structure. In highway terms there would be adequate parking for numerous vehicles.

Therefore the proposal would not conflict with Policy 36 of the SELLP.

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.

In economic terms there will be short term economic benefits in the construction of the storage structure. This weighs marginally in favour of the proposal.

In community terms there are no particular advantages or disadvantages of the structure, so this is neutral in the planning balance.

Had the proposed structure been within a conventional farm complex next to open fields, the structure would not be unacceptable in the wider scene, as long as a Flood Risk Assessment was submitted with the application together with Biodiversity mitigation to demonstrate Biodiversity Net Gain.

However, in environmental terms, the approved development site of 30 dwellings immediately to the south is a material consideration and the proposal results in harm to residential amenity as a result of its size, scale and massing, particularly on Plot 30 situated within one metre of its structure. There are also no biodiversity benefits associated with the proposal and Flood Risk has not been proven to be mitigated. Overall in the planning balance it is considered that there is environmental harm, which outweighs the economic benefits of the proposal.

Conclusion

It is recommended that planning permission is refused.

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.