

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0873-19 **Applicant:** Mr J Cross
Proposal: Residential development - re-submission of H20-0839-18
Location: Off Fishergate Sutton St James Spalding
Terminal Date: 29th November 2019

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

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 9, 11, 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	2	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development, with all matters reserved for subsequent approval. It is a re-submission of H20-0839-18, which was refused and dismissed on appeal (ref: APP/A2525/W/19/3220914).

The application differs from the previous permission because it is accompanied by an indicative layout plan of 7 dwellings, including a profuse landscape belt along the western boundary.

It should be noted that the vehicular access is situated on land that already has outline planning permission for frontage residential development (ref. H20-0062-18).

Site Description

The site (some 0.88ha) is located on the southern side of Fishergate on the western fringe of Sutton St James. It is currently agricultural land.

A house is situated to the south east and plots to the north east fronting Fishergate. A bungalow is located opposite. Open land is located to the south and west.

History

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

H20-0839-18 - O/A - Residential development - Refused 3 December 2018

Consultation Responses

Sutton St James Parish Council - Object. The site is outside the village settlement area and is over development of the village.

LCC Highways/SUDS - Request additional information, including a frontage footway and a suitable surface water system.

SHIDB - Request drainage strategy.

SHDC Environmental Protection - No comments.

LCC Education - No comments.

NHS - No request for contribution.

Public - Resident objection received (summarised):

Possible covenant on the land forbidding building; The field is used by hares - building on the land will encroach on their habitat and add to their plight given that their numbers have declined severely in the past few years.

Planning 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 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 and ecology.

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 site is located outside of Sutton St James Settlement Boundary as defined in the recently 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 to 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. Furthermore, given the proximity to existing buildings and other small settlements, the site is not considered to be isolated in the terms of paragraphs 78 and 79 of the National Planning Policy Framework.

Concerning the second element, the previous appeal decision established that the proposed development may be considered suitable in terms of access to services and facilities given the evidence regarding the local bus service, and the services and facilities in Sutton St James.

However, the site is a grassed field and is bounded by open countryside on three sides. The proposal for residential development would be likely to not only involve the erection of houses but would also be likely to include significant areas of new road, paved driveways and domestic gardens that would substantially alter the landscape character of the site and extend the built-up area into the countryside. The indicative plan shows substantial landscaping along the north-western boundary. Notwithstanding this fact, it is considered that the proposal would nevertheless lead to a significant encroachment of the countryside, to the detriment of the character and appearance of the area.

It is acknowledged that planning permission was granted for dwellings to be located on the land in front of the site fronting the road. However, these dwellings would be in keeping with the ribbon development along Fishergate, in contrast to the proposed development which would be located to the rear of these dwellings. Furthermore, the proposal was granted consent prior to adoption of the new local plan and does not provide a direct comparison.

Consequently, it is considered that the proposed development would not provide a suitable location for 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 in this regard.

Residential Amenity

A building plot(s) and a house are located to the south-east and a bungalow opposite. 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. This is subject to appropriate boundary screening.

Highway Safety

LCC Highways have requested further information concerning visibility splays, radii, frontage

footway, details of construction of the roadway, etc. These matters could be addressed by means of conditions should permission be forthcoming.

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, other than the access, the site is within an area of no hazard. Consequently, 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. The Lincolnshire Wildlife Trust has previously requested an ecological survey if permission is forthcoming.

Conclusion

It is considered that the proposed development would not provide a suitable location for 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 in this regard.

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.