

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H20-0936-20	Applicant:	Mr D Sullivan
Proposal:	Proposed Dwelling		
Location:	Adj. 28 Jarvis Gate Sutton St James Spalding		
Terminal Date:	1st March 2021		

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
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 2019

Sections 2, 3, 4, 5, 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

RESIDENTS	1	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single dwelling, with all matters reserved for subsequent approval. The application is accompanied by an indicative layout plan showing a bungalow.

Site Description

The site (some 0.052ha) is currently residential curtilage associated with No. 28 Jarvis Gate (house). It has three mature trees along its frontage, which are the subject of a tree preservation order (Sutton St James TPO No. 7, 2006). A chalet is located to the north and a bungalow to the south beyond a drain and field access.

Recent Site History

None.

Consultation Responses

Sutton St James Parish Council - Parish Cllr Garbutt has raised issues (see public comments).

LCC Highways - No objections subject to informatives.

Environmental Protection - No comments or objections.

Trees and Nature Conservation Officer - Concerns if development within root protection area of preserved trees.

Public - Objections received (summarised):

Small plot - overdevelopment; Blockage of light to existing property; Poor access on busy road; Selling plants and compost from property; Dyke doesn't belong to property.

Material Considerations

The main issue in this case are:

- Principle/sustainability;
- Character/appearance;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk.

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 site is inside Sutton St James Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Sutton St James, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. The development would constitute infill. No objections are therefore raised in locational terms.

Character/Appearance

The site is located within an existing frontage and any development upon it would constitute frontage infill. It is considered, on balance, that a property could be satisfactorily accommodated upon the site without materially harming the character or appearance of the locality.

Three mature preserved trees the subject of Sutton St James TPO No. 7, 2006 presently exist along/close to the site's frontage. The Tree and Nature Conservation Officer has raised concerns over the vehicular access in particular passing between them. Given these concerns the applicant has re-positioned the access further to the north so that it is shared with the existing property. An existing container and portacabin underneath/close to them would also be removed. It is now considered that a dwelling could be accommodated without prejudicing or materially harming the existing frontage trees, subject to mitigating conditions.

The proposal is therefore in accordance with Policies 2, 3 and 28 of the SELLP in this respect and advice within the National Planning Policy Framework. Paragraph 58 indicates that new development should respond to local character.

Residential Amenity

No. 28 Jarvis Gate (house) is situated to the north and a chalet (no. 30) beyond. A bungalow is located to the south (no. 24) beyond a drain and field access. A hedge and fencing are located along the southern boundary.

It is considered that a property, preferably single storey, could be sited and designed so as not to materially harm the amenity of neighbouring residents in terms of lack of privacy, overlooking, overshadowing, overbearing effect, noise and disturbance, etc.

Blockage of view is not a material planning consideration and therefore carries no weight. Ownership/maintenance issues are a separate legal matter.

The proposal is therefore in accordance with Policies 2 and 3 of the SELLP in this respect.

Highway Safety

The indicative block plan indicates that there would be sufficient space for vehicular parking, especially if it were a small 2 bed bungalow. The County Highways Authority has raised no objections has raised no objections on highway safety grounds.

The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in terms of highway safety and parking requirements.

Other Material Considerations

Flood Risk - The site is within Flood Zone 1 as shown on the Environment Agency's Flood Zone Map. However, the hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test.

In terms of the exceptions test, the finished floor level of the proposed dwellings should be 300mm above the average existing ground levels.

Drainage - There is sufficient space at the rear to include soakaways and drainage fields to cater for a development of this nature.

Other Matters

The existing drain to the south is outside the site as outlined in red. Concern has been expressed over the possible use of the premises as a shop. Such a proposal would require separate planning permission and would be assessed on its own merits.

Planning Balance

The site is in a sustainable location. It is considered, on balance, that a small dwelling, preferably single-storey, could be accommodated upon the site without materially harming the character or appearance of the locality, existing preserved trees and the amenity of nearby residents. There are no significant highway issues, subject to satisfactory parking facilities. The proposal is therefore generally in accordance with Policies 1, 2, 3, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no material considerations in this case that outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers.