DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H20-1239-19**	**Applicant:**	**Mr T Griffith**
Proposal:	Erection of replacement dwelling and detached garage (part retrospective)		
Location:	Zion House Broadgate Sutton St James		
Terminal Date:	14th February 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
22	Replacement Dwellings in the Countryside
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a replacement dwelling and detached triple garage. Construction of the dwelling is well underway.

The proposal differs from a previous approval (ref. H20-0733-15) in the sense that the detached triple garage has been re-positioned and the access arrangements altered. The replacement dwelling remains fundamentally the same in terms of its position and design.

Site Description

The site is located to the south of Sutton St James on the western side of Broadgate. The replacement dwelling is partially built.

An existing commercial building is located in the southern corner of the site and a dwelling to the south-west.

Consultation Responses

Sutton St James Parish Council - Supported.

Planning History

H20-0104-15 - Full - Replacement dwelling - Refused 26 May 2015. Dismissed on appeal 5 January 2016.

H20-0733-15 - Full - Replacement dwelling - Granted 13 October 2015.

H20-1154-18 - C/C - Details of external materials, landscaping, etc - Granted 5 March 2019.

Planningl Considerations

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy 22 of the South East Lincolnshire Local Plan, 2019 indicates that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:
1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Addressing the above, the original dwelling is still in situ and is of permanent construction. Its residential use has not been abandoned. It is not considered to be of significant architectural or historic merit.

The proposed re-siting is considered to be acceptable because it is more closely grouped with the neighbouring dwelling to the south, including the triple garage.

The replacement dwelling is significantly larger. However, it is considered to be high quality in terms of design, etc, incorporating both traditional and contemporary features. It has previously been permitted under planning permission ref. H20-0733-15 and is considered to be satisfactory in terms of criterion 6.

The replacement dwelling has an acceptable relationship with the neighbouring house from an amenity point of view. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal therefore accords with Policies 2 and 3 of the SELLP.

The position of the access has been revised. The proposal has satisfactory on-site parking. The proposal is considered to be acceptable on highway safety grounds.

The site is within Flood Risk Zone 3 on the Environment Agency Maps. However, the South Holland Strategic Flood Risk Assessment designates the site as no hazard. The proposal therefore satisfies the sequential test. A condition was previously imposed requiring that finished floor levels be set at 1.85m aOD.

LCC Archaeology has previously indicated that cropmarks, which are perhaps Roman in origin, cross over this site. No archaeological work has been carried out to date, despite conditions on the original decision. It is considered that this matter can be addressed by requiring that archaeological monitoring and recording is carried out prior to commencement of the garage block. This can be addressed by means of conditions.

Conclusion

The proposal satisfactorily complies with Policy 22 of the South East Lincolnshire Local Plan, 2019 and is considered to be satisfactory on amenity, highway safety and flood risk grounds. Archaeology can be addressed by means of conditions.

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.