DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0889-24**	**Applicant:**	**Mr S Steward**
Proposal:	Proposed Car Port		
Location:	Springway Stockwell Gate Whaplode		
Terminal Date:	16th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & beautiful places

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a householder planning application for the erection of a car port to the front of the dwelling. The car port is double bayed and made up of timber construction.

Site Description

The application site is located inside the defined settlement for Whaplode and relates to a dwelling know as Springway, which is a bungalow property rendered white.

The application site is also located within flood zone 3 in accordance with the Environment Agencies Mapping System. The flood hazard and depth maps show that the site is located in an area at low risk of flooding.
An approved salon is located in the rear garden of Springway, it is accessed through a side gate located to the south of the dwelling. The parking for that saloon was secured under H23-0259-24, this showed 3 number spaces. This application proposed to erect a car port over that agreed parking area.

History

H23-0177-15 - First floor extension above existing bungalow. Approved 15-04-15
H23-0905-23 - Proposed dwelling with garage, swimming pool and storage building. Refused 15-11-23
H23-0402-21 - Demolition of dwelling and erection of 2 houses. Approved 07-07-21
H23-0722-23 - Extension & Alterations - Resubmission of H23-0278-23. Approved 04-10-23.
H23-0259-24 - Erection of Salon - Retrospective. Approved 17-05-24
H23-0264-24 - Change of Use of Land to Domestic and Erection of Family Games Room, including Security Camera (Retrospective). Approved 04-06-24
H23-0267-24 - Erection of dwelling, garage, and swimming pool - Re-submission of H23-0905-23. Approved 26.07.24
H23-0428-24 - Change of use of agricultural land to storage of building materials and equipment including erection of 2.4m high fence (retrospective). Approved 15-10-24

Consultation Responses

IDB

Thank you for your consultation on planning application H23-0889-24. Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

Highways

No objections - The application is for a proposed Car Port. The proposal will not have an adverse impact on the public highway or surface water flood risk.

Planning Considerations

The proposal is for householder development for the erection of a car port to the front of the property. On this basis it is not considered that matters of principle need any discussion.

The main issues and considerations in this case are (but are not limited to):

- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Layout, Design and Impact on the Character of the Area

SELLP Policy 2 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore,

SELLP Policy 3 requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

NPPF Section 12 is concerned with *Achieving well-designed and beautiful places*, it states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

The proposal is located to the front of the property and whilst its impact is diluted by the front wall and tree, the location of this structure would still have a diluting effect upon the appearance of the dwelling. Furthermore the timber car port proposed in this location would be out of keeping with the general arrangement of out building in the area, that are normally located to the rear.

On this basis the proposal would represent an incongruous feature along the street scene that would not sit comfortably with the existing dwelling, in terms of its siting and appearance. The proposal then is considered contrary to SELLP Policies 2 and 3 as well as NPPF section 12.

Impact on Neighbouring Residents/Land Users/Land Uses

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

NPPF Paragraph 135 states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
The proposal is of a scale and in a location that would not give rise to unacceptable impact upon neighbouring amenity.

On this basis the proposal would accord with SELLP Policies 2 and 30 as well as NPPF Paragraph 135.

Highway Safety and Parking

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 36 detail with parking and cycling provision and is also considered relevant.

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

The proposed car port is located on land allocated for the parking of staff and patrons (approved under H23-0259-24) and the approval of this car port would undermine that provision. Highways have made comment, however they have not referred to the aforementioned planning application and therefore not made an assessment with that parking provision in mind.

Not only would the erection of a car port jeopardise that space, it would also reduce the number of spaces provided for the salon.

On this basis it is considered that the proposal would jeopardise the existing parking arrangement for patrons and staff of the salon and result in an under supply of parking provision for that business. The proposal is therefore contrary to SELLP Policies 2, 3 and 36.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The location of the car port would result in a unacceptable impact upon the character of the street scene, it would also jeopardise the allocated parking provision for staff and customers of the salon.

In this instance, there are no material considerations that weigh for the proposal and as such, the planning balance is in not in favour of the development.

Conclusion

Taking into consideration these factors, the proposal is considered to be contrary with Policies 2, 3, and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023).

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.