

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0060-22 **Applicant:** Highgrove Homes (Spalding) Ltd.

Proposal: Erection of 3 dwellings incorporating revisions to designs of Plots 5 & 6 and addition of self-build bungalow on Plot 5a, all using existing private road and waste collection point.

Location: Land To Rear Of Paw House Cobgate Whaplode

Terminal Date: 21st March 2022

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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	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

CASE OFFICER ASSESSMENT

PROPOSAL

Outline planning permission was originally granted for 9 plots on this site in April 2017 (ref. H23-1145-16). Full planning permission was subsequently granted for 4 no. 3 bed bungalows, 1 no. 4 bed bungalow and 2 no. 5 bed houses (total 7 properties) in June 2021 (ref. H23-0076-21). A subsequent application to revise the dwellings on plots 5 and 6 from 5 bed houses to 4 bed bungalows, plus minor amendments to the site layout, etc was approved in December 2021 (ref. H23-1118-21). This application is for an additional dwelling (3 bed bungalow) on plot 5a, which would be a self-build, plus revisions to plots 5 (The Hazel - 3 bed bungalow) and 6 (The Wellingtonia - 4 bed bungalow). The overall mix would now be 6 no. 3 bed and 2 no. 4 bed bungalows as opposed to 4 no 3 bed and 3 no. 4 bed bungalows previously (ref. H23-1118-21).

The proposal would utilise the previously approved private road and waste collection point at the site's entrance.

SITE DESCRIPTION

The site (approximately 1ha) is land to the rear of existing frontage development on the southern side of Cobgate. It was formerly occupied by a number of domestic outbuildings and also structures used in connection with the breeding and training of birds of prey.

Residential development is situated to the north fronting Cobgate and dwellings associated with Cobgate Close are located to the east. A small road haulage business is located to the west (R J Gratton - Fordfield House).

RELEVANT LEGISLATION

The Self-build and Custom Housebuilding Act 2015

The Act (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

The Act also sets a 'duty to grant planning permission etc', specifically "...authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period."

To increase the number of planning permissions which are suitable for self-build and custom housebuilding, Councils are encouraged to work towards:

- developing policies in their Local Plan for self-build and custom housebuilding;
- using their own land if available and suitable for self-build and custom housebuilding and

marketing it to those on the register;

- engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where the landowner is interested; and
- working with custom build developers to maximise opportunities for self-build and custom housebuilding.

The Self-build and Custom Housebuilding Regulations 2016

RELEVANT PLANNING HISTORY

H23-1145-16 - O/A - Residential development (9 plots) - Granted 4 April 2017.

H23-1179-18 - S73 - Residential development (9 plots) - approved under H23-1145-16. Modification of Condition 4 to remove reference to maximum gross floor space of 1000 square metres - Granted 15 February 2019.

H23-0076-21 - Full - Erection of 7 dwellings - Granted 9 June 2021.

H23-1118-21 - S73A - Erection of 7 dwellings - approved under H23-0076-21. Modification of Condition 2 to allow amendments to previously approved plans - 21 December 2021.

CONSULTATION RESPONSES

Whaplode Parish Council

Support.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

Pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development. If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Lincolnshire Fire Brigade

Response to H23-0076-21 - Proposal appears to satisfy requirements of ADB B5 Fire Access and therefore based on information provided, we have no reason to object (subject to proposed access road specification fulfilling the minimum carrying capacity requirement for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations part B5).

Public

No responses received.

Information from Applicant

Further to the submission of the full planning application for 3 dwellings on the phase 2 area of the 'The Grove' at the Cobgate site, we wish to highlight that this phase 2 area already has full planning consent for 2 dwellings (either in the form of 2 x 5 bedroom family houses, or 2 x 4 bedroom bungalows), and this application is therefore in practical terms only for 1 further dwelling.

The whole site already has the planning principle accepted for dwellings being served by a private road and waste collection point.

The additional 1 dwelling will not make any significant increase in the traffic or waste levels created, as it is for a retired couple. If considering the numbers of occupants expected to reside in the 3 proposed dwellings, the resultant traffic and expected waste levels, would be less than for 2 large

family homes.

The 5 properties in the phase 1 area are all sold and are in the process of completion for handover to new owners in the next month. The covenants in those sale contracts allow for the use of the private road and waste collection point for the phase 2 area dwellings. They do not allow for any form of management company being incorporated into part of the development.

MATERIAL PLANNING CONSIDERATIONS

Policy/principle

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 Whaplode Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Whaplode, 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. In this case, the development would constitute infilling within the existing village fabric.

Also, the site is allocated as housing land (ref. Wha019) within the SELLP and has an extant planning permission for 7 dwellings (ref. H23-1118-21).

Moreover, the additional plot is a self-build. The Self-build and Custom Housebuilding Act 2015 indicates that authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan specifically refers to self-build & custom build dwellings and indicates at paragraph 5.3.5 that "within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies."

No objections are therefore raised in principle having regard to the aforementioned.

Character/Appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

This application is for an additional dwelling (3 bed bungalow) on plot 5a, which would be a self-build, plus revisions to siting and design in respect of plots 5 (The Hazel - 3 bed bungalow) and 6 (The Wellingtonia - 4 bed bungalow). The overall mix would now be 6 no. 3 bed and 2 no. 4 bed bungalows as opposed to 4 no 3 bed and 3 no. 4 bed bungalows previously (ref. H23-1118-21).

The properties would be constructed in TBS Old Fulford Blend bricks with a Sandtoft Neo Clay Pantile roof (colour Flanders). The other dwellings within the cul-de-sac have been constructed in TBS Tigra Buff Multi bricks with a mixture of roofing materials. However, there is an eclectic mix of property types along Cobgate in terms of type, design and external materials. The proposed dwellings would blend in satisfactorily and tree planting is included within the scheme. Existing planting would be retained where possible. The proposal would not materially harm the existing character or appearance of the streetscene or rural locality and would promote bio-diversity.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

Proposed vehicular access to the site is between the Paw House and No 37 Cobgate (bungalow). All the proposed dwellings are bungalows. The 4-bed bungalow (Wellingtonia) on plot 6 has been set further back closer to rear gardens associated with nos. 41, 43, 45 and 47 Cobgate. However, finished floor levels would only be some 300mm and residential boundaries would be de-lined by 1.8 metre high fencing. The landscape drawing indicates that the existing hedging bordering nos. 43 and 45 would be retained at a maximum reduced height of 2.5 metres.

Whilst nearby residents would suffer some noise and disturbance especially during the construction phase, it would not be material and would be outweighed by benefits the scheme would bring in terms of providing additional housing within the district. Noise and disturbance during the building phase could be controlled by a construction management plan.

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 satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Refuse collection - The proposal fails to comply with the Council's guidance note "Private Drives - Waste Vehicle Collection Service" because the development is served by a private drive exceeding 30 metres in length. However, there is a fallback position in this case because a refuse collection point within a landscaped setting at the site's entrance has already been agreed by virtue of planning permission ref. H23-1118-21. The private roadway and bin collection area at the site's entrance would be divided between the property owners. Maintenance and repair would be conveyed as a contractual obligation to all homeowners. The area of land to the west of the access would be conveyed to plot 7.

Given the fallback position and that the application is solely for a revision of plots 5 and 6, plus a single additional self-build property, it is considered that there is not sufficient reason to oppose the application on grounds that the proposal contravenes the guidance note.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The private access road would be constructed in permeable block paving as previously approved (ref. H23-1118-21). It would be constructed to a standard to accommodate emergency vehicles such as fire appliances. A private roadway was proposed because of insurmountable surface water drainage issues concerning an adopted roadway. A circular turning facility would be provided within the site for emergency vehicles such as fire appliances. It is also proposed to lay block paving on part of individual driveways, unlike previously. The County Highways Authority have raised no objections on highway safety grounds. Each property would have sufficient on-site parking facilities.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking requirements.

Flood Risk/Drainage

Policy 4 of SELLP is concerned with flood risk management and states that new development will

be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

The site is located within Flood Zone 1 on the Environment Agency's Flood Maps. The South East Lincolnshire SFRA indicates that the site is located within an area identified as no hazard. The proposal therefore satisfies the sequential test.

In this case finished floor levels should be set at 300mm. Foul water would be disposed of via the mains sewer. Surface water from the roofs would be disposed of to soakaways.

Planning Balance

The site already has full permission for 7 bungalows served off a private drive (ref. H23-1116-21). The current proposal is essentially a revision of the siting and design of the bungalows on plots 5 and 6, plus an additional self-build bungalow (plot 5a). The principle of 7 dwellings served off a private roadway has already been established, therefore, along with details of disposal of refuse. The revised scheme would not materially harm the character/appearance of the locality. It is considered acceptable on amenity and highway safety grounds, subject to conditions. There are no flood risk issues and drainage problems have been satisfactorily overcome.

The proposal is generally in accordance with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019. Although the proposal fails to accord with the Council's guidance note on private drives and refuse collection this is not considered to be such as to justify refusal given the fallback position. There are no other adverse factors that outweigh considerations in favour of the proposal

CONCLUSION

The planning balance lies in favour of the proposal for the reasons outlined above.

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.

The application was referred to the Chairman's Panel on 4 March 2022 where a delegated decision was accepted.