

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0070-23 **Applicant:** Mr & Mrs A Gratton
Proposal: Residential development - Single Dwelling
Location: Land Adj. 51 Cobgate Whaplode Spalding
Terminal Date: 23rd March 2023

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
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 11. Making effective use of land.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change

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	0	0	0	1

BOARD				
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CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking planning permission for a bungalow comprising 2no bedrooms (one with en-suite shower room), lounge, bathroom, office, utility, w/c and an open plan kitchen/dining/living area.

The dwelling would be constructed from wienerberger blechingley Blend bricks sitting under a redland cambrian grey slate roof with cream upvc windows, a composite door and black upvc rainwater goods.

The northern (front) boundary would have a 900mm brick wall. The hedge along the eastern boundary would be removed and replaced with a 900mm post and rail fence for the first 34 metres and a 1.8 metre high close boarded treated timber fence beyond this. The rear boundary would have a 1.8 metre high close boarded treated timber fence. The western boundary would remain as existing.

The front garden would be mainly gravelled and the rear garden laid to lawn.

The site previously has outline permission for the dwelling approved under application reference H23-0519-17. The proposal was for 2no dwellings; one of which has already been built to the west.

Site Description

The site is located off Cobgate and is sited towards the end of Whaplode settlement boundary. It comprises a parcel of land enclosed by a mixture of hedging, fencing and a brick wall. To the east of the site is a two storey dwelling and to the west is a newly constructed single storey bungalow.

History

H23-0519-17 - Residential development - Approved

Consultation Responses

South Holland Internal Drainage Board

Recommends that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to discharge surface water to a nearby watercourse. In this case, consent would be required under Byelaw 3.

Whaplode Parish Council

Supports the scheme.

LCC Highways/SUDS Authority

No objection as the existing access will be utilised.

Planning Considerations

Principle of development

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 proposed development is inside the Whaplode Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres 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.

In addition, the site has previously had outline planning permission therefore the principle of residential development is not disputed with this current application.

The proposal therefore generally accords with Policies 1 of the SELLP.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of 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.

The proposed bungalow would be sited between no's 51 and 55 and would front Cobgate. The proposed bungalow is considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space. As such it is not considered that the proposal results in overdevelopment of the site.

The front area would be used for parking/turning and the rear garden would be likewise of decent size to ensure good levels of amenity to the future residents. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The dwelling would be constructed from wienerberger blechingley Blend bricks sitting under a redland cambrian grey slate roof with cream upvc windows, a composite door and black upvc rainwater goods. Given the wide mixture of materials in the street scene the proposed materials are considered acceptable and would not result in any unacceptable impact on the street scene.

The front boundary would have a 0.9 metre high brick wall. The hedge along the eastern boundary would be removed and replaced with a 0.9 metre high post and rail fence for the first 34 metres and a 1.8 metre high close boarded treated timber fence beyond this. The rear boundary would have a 1.8 metre high close boarded treated timber fence. The western boundary would remain as existing. The proposed boundary treatments are typical of this type of development and similar to other plots in the street therefore they are considered acceptable.

The front garden would be mainly gravelled and the rear garden laid to lawn. In terms of soft landscaping low shrubs are proposed along the front and part of the eastern boundaries, inside of the fence. A condition has been included requiring this planting to be carried out and completed in its entirety during the first planting season following practical completion of the development.

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

Residential amenity

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

The closest neighbour to the proposed development is no.55 Cobgate located to the west of the application site. The proposed bungalow would be sited close to the shared boundary with this neighbour (approximately 2 metres). A number of windows are proposed in the side elevation facing

this neighbour which also has several windows facing the application site, however, it is not considered that there would be any prominent views or overlooking given the high level fence along the western boundary. In terms of overshadowing the proposed dwelling would be single storey with the eaves sitting only marginally higher than the boundary fence and the bulk of the roof facing way from this neighbour therefore any impact would on balance be within acceptable tolerances.

With regards to the neighbour to the east at no.51 Cobgate located to the east of the application site the proposed dwelling would be sited 5 metres from the eastern boundary, approximately 14 metres from this neighbour's residential curtilage and some 17 metres from its nearest elevation given the presence of an access road adjacent to the application site. Given the single storey nature of the proposal this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. Furthermore this neighbour does not have any windows in its side elevation facing the application site therefore there are no overlooking or loss of privacy concerns.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway safety and car parking provision

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 up to 3 bedrooms should be provided within the curtilage.

The submitted plans show the site served by an existing access point and space for several vehicles within the site as well as space for turning. On this basis the LCC Highways Authority has not objected to the scheme.

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

Drainage/flood risk

South Holland Internal Drainage Board has advised that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to propose to discharge surface water to a nearby watercourse. In this case, consent would be required under Byelaw 3. It is noted that the applicant intends to treat foul waste using a package treatment plant, however the applicant has not indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. The applicant should confirm to the Drainage Board if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been attached to the decision advising the applicant of the Board's Byelaws and advice.

The site is located within flood zone 1 therefore it is not in a high flood risk area so no flood risk mitigation measures are required.

Given the above and subject to compliance with the Board's Byelaws proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021).

Planning balance

The principle of developing the residential scheme is acceptable at such location given the site is within the defined settlement boundary of Whaploode and has extant outline permission.

The dwelling footprint would sit well within the plot and would not result in any unacceptable impact on the semi-rural character of the area. No undue harm would occur upon the amenity standards of adjacent neighbours. The external materials, means of enclosures and landscaping are appropriate for the site and the street scene.

On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of approving the application would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12 and 14 of National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via delegated powers.

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

The application can be approved under delegated powers.