DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0076-21**	**Applicant:**	**Highgrove Homes (Spalding) Ltd.**
Proposal:	Erection of 7 dwellings.		
Location:	Land To Rear Of Paw House Cobgate Whaplode		
Terminal Date:	10th June 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

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	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	1	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 4 no. 3 bed bungalows, 1 no. 4 bed bungalow and 2 no. 4 bed houses (total 7 properties). The site has an extant outline permission for 9 dwellings (ref. H23-1179-18).

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 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.

Consultation Responses

Whaplode Parish Council - Supported.

Cllr P Redgate - No objections in principle, However, concerned over the height of the existing hedge at rear of nos. 43 and 45. Should be cut back in good faith to aid visibility for the neighbours.

LCC Highways/SUDS - Bo objections subject to highway informatives.

South Holland Internal Drainage Board - If 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 - 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

Objections/comments received (summarised):

Overlooking/lack of privacy; Increase traffic along Cobgate even further; Access opposite residential driveways and where Cobgate narrows. Also close to Abbots Gardens; visibility issues; Detrimental to highway safety; Existing close boarded fence and established high hedge bordering Cobgate Close should be retained; Hedge at rear of nos. 43 and 45 has been the current height and thickness for the last 10 years and has been regularly trimmed.

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.

Moreover, the site is allocated as housing land (ref. Wha019) within the SELLP and has an extant outline permission for 9 dwellings (ref. H23-1179-18). No objections are therefore raised in locational terms.

Character/Appearance

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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2019. Paragraph 127 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.

The proposal is for 7 properties consisting of 5 bungalows and 2 houses (plots 5 and 6). They would be constructed in TBS Tigra Buff Multi bricks with a mixture of roofing materials (red/rustic interlocking concrete pantiles and grey imitation slate).

There is an eclectic mix of property types along Cobgate in terms of type, design and materials. The proposed dwellings would blend in satisfactorily and tree planting is included within the scheme. The proposal would not materially harm the existing character or appearance of the streetscene or rural locality.

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 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 (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Proposed vehicular access to the site is between the Paw House, which is within the applicant's control, and No 37 Cobgate (bungalow). 1.8m high chevron fencing is proposed on the common boundaries alongside the entrance boundaries. Residential boundaries would be de-lineated by 1.8 metre high fencing, including Nos. 43 and 45 Cobgate and Cobgate Close. The landscape drawing indicates that the existing hedging along the eastern boundary would be retained and hedging bordering no. 43 and 45 would be retained at a reduced height of 2.5 metres.

The dwellings on plots 1, 2 and 7 bordering neighbouring residential properties would be bungalows. The proposed house on plot 6 behind nos. 41-47 (odd) Cobgate has first floor windows

(bedroom, en-suite, etc) on its north-eastern (side) and north-western (rear) elevations. However, the separation distances from neighbouring property are considered acceptable.

A refuse collection point would be provided at the site's entrance within a landscaped setting.

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 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

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.

Access to the development would be via a permeable block paved private roadway constructed to a standard to accommodate emergency vehicles such as fire appliances. A private roadway is proposed because of insurmountable surface water drainage issues concerning an adopted roadway. A circular turning facility would be provided within the site. Local residents have objected on highway safety grounds. However, 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 this respect.

Flood Risk/drainage

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.

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).

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 proposal is sustainable and 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, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no adverse factors that outweigh considerations 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.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.