DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0118-21**	**Applicant:**	**South Lincolnshire Developments Ltd.**
Proposal:	Residential Development - 8 dwellings including private drive - approved under H23-0535-18. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	The Sycamores Farmyard Churchgate Whaplode		
Terminal Date:	2nd April 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
29	The Historic 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

Sections 2, 4, 5, 12, 14, 15, 16.

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for 8 no. 3 bed bungalows served by a private drive in August 2018 (ref. H23-0535). This application is for a dwelling substitution on plot 4. The applicant has indicated that the substitution is to enable the construction of a bespoke bungalow requested by a local client who wishes to reside on that specific plot on the development.

Site Description

The site (some 0.58 ha) is a former farmyard located on the eastern side of Churchgate, Whaplode. The northern boundary is de-lineated by an open drain, with a public footway and residential development beyond. Open agricultural land is situated to the east and a public playing field to the south west. Dwellings are located to the west between the site and Churchgate and St Mary's Church (grade I listed) is situated on the western side of Churchgate behind a row of dwellings.

Mature trees are situated along the northern boundary and also immediately to the south west (Hawthorn, Sycamore and Beech) within the playing field. A Sycamore tree along the northern boundary is the subject of a tree preservation order.

Policies/Constraints

The application site, apart from the south western corner, is identified as a "Housing Commitment" within the South East Lincolnshire Local Plan, 2019.

Relevant Planning History

H23-1082-14 - O/A - Residential development for 10 units on redundant farmyard (re-submission of H23-1026-14) - Granted 16 March 2015.

H23-0535-18 - Full - Residential development - 8 dwellings including private drive - Granted 21 August 2018.

H23-0480-19 - C/C - Details of Ecology Report (Condition 16 of H23-0535-18) - Approved 5 July 2019.

H23-0223-20 - C/C - Details of construction management and contamination assessment (Conditions 8 and 11 of H23-0535-18) - Approved 1 May 2020.

H23-1055-20 - C/C - Details of external materials, landscaping, boundary treatment, driveway details and surface water drainage scheme (Conditions 3, 4, 7, 12 and 14 of H23-0535-18) - Approved 5 January 2021.

Consultation Responses

Whaplode Parish Council - No comments.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Environmental Protection - Request contaminated land condition.

Material Planning Considerations

The main issue in this case is whether a dwelling substitution on plot 4 is satisfactory on policy and other planning grounds.

Policy

Plot 4 is located in the south eastern corner of the application site and is mainly outside Whaplode Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that new development will be permitted in such a location where it is necessary and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

In this case, the principle of development has already been established by virtue of the extant permission (ref. H23-0535-18), which was approved on the basis that the development was sustainable. The proposal does not therefore materially conflict with Policy 1.

Character/Appearance

The proposal is to substitute a more standard 3 bed bungalow and attached double garage with a larger bespoke 3 bed detached bungalow and attached double garage, including gated entrance. The property would be constructed in Forterra Ecostock Shelton Red Multi bricks, with stone cills and a Sandtoft Calderdale Edge Tile (Dark Grey).

It is considered acceptable in terms of design and would not harm the overall appearance of the development or setting of St Mary's Church (grade I listed) further to the west.

The existing preserved Sycamore tree does not relate to this plot and would be retained. Existing trees within the playing field adjoining the south western boundary of the site would be trimmed and only adjoin plot 4 in the south-western corner. The separation distance between the trees and the new dwellings on the development has previously been considered acceptable and should not prejudice their continued existence.

Amenity

Plot 4 is not adjacent to any existing dwellings. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc. A condition should be re-imposed to ensure appropriate boundary treatment along the western and southern boundaries of the overall application site adjoining residential property and also the playing field.

Highway Safety

The access arrangements for the private drive remain unchanged. The building type on plot 4 is being modified, but satisfactory off road parking and turning are still provided. LCC Highways has indicated that the proposal would not result in an unacceptable impact on highway safety.

Flood Risk

The site lies within Flood Zone 1 (Low Risk) within the Environment Agency's flood maps and an area of no hazard within this Authority's Strategic Flood Risk Assessment. The proposal therefore passes the sequential test.

Drainage

Foul water would be disposed of via the mains sewer. Roof water from the bungalows would be disposed of to individual soakaways using proprietary crate systems.

Other Matters

Other matters such a contamination and ecology remain unchanged.

Planning Balance

The proposal is considered to be sustainable and would not materially harm the character/appearance of the locality or setting of St Mary's Church further to the west. It is considered acceptable on amenity and highway safety grounds. There are no flood risk issues.

The proposal is generally in accordance with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no material considerations that outweigh factors in favour

of the proposal.

Conclusion

The planning balance lies 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.

Recommendation

That the application be approved under delegated powers.