

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 24 June 2020

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H23-0161-20

Application Number: H23-0161-20

Date Received: 17 February 2020

Application Type: RESERVED MATTERS

Description: Erection of detached dwelling - outline approval H23-0650-18

Location: Plot 1 Broadgate Whaplode Drove Spalding

Applicant: Mr & Mrs Holmes

Agent: T A C Architects

Ward: Whaplode and Holbeach St Johns

Ward Councillors: Cllr A C Beal
Cllr P A Redgate

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0161-20>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicants are related to a Member of South Holland District Council.

2.0 PROPOSAL

2.1 Reserved matters approval is sought for a 4 bedroom house. The site is part of an area of agricultural land (total 0.19 ha) that has outline planning permission for 3 plots (ref H23-0650-18).

3.0 SITE DESCRIPTION

3.1 The site is currently agricultural land located on the western side of Broadgate, Whaplode Drove. Business premises (Alan Pell Music) are located to the south and a cottage further to the north set behind the village green. Residential dwellings and a specialised mouldings manufacturer (W J Webb & Co Ltd) are situated opposite.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 12 - Achieving Well Designed Places;
Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H23-0451-16 - Outline Application - Residential development - Granted 30 June 2016;
H23-0650-18 - Outline Application- Residential development (3 plots) - Granted 22 August 2018.

6.0 REPRESENTATIONS

- 6.1 Whaplode Parish Council
Support.

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

7.0 CONSIDERATIONS

7.1 Planning Considerations

- 7.2 The principle of residential development on the site has been established by virtue of the outline consent (ref. H23-0650-18). Consequently, the key matters (ie, the reserved matters) to be considered are:
- Detailed layout, scale and appearance;
- Landscaping;
- Means of access and parking issues;
- Other matters.

7.3 Layout, scale and appearance/landscaping

- 7.4 Existing development within the immediate locality consists predominantly of houses, with some commercial buildings. The style of housing ranges from traditional to more contemporary. The proposed dwelling includes some traditional features and would be constructed in red brickwork with an antique terracotta pantiled roof. Landscaping consists of tree planting along the site's frontage. The proposed dwelling is considered acceptable in terms of scale and appearance and would fit satisfactorily within the streetscene.

- 7.5 In terms of its relationship to neighbouring property, a musical instrument manufacturing/repair workshop is located to the south. However, its activities are relatively low key with no significant issues in terms of noise/disturbance. Moreover, the proposed dwelling has a garage/lobby on its southern elevation, as opposed to main living accommodation. Commercial premises are situated opposite. However, there are other residential properties adjoining it and it is not known to be problematic. The proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc.

- 7.6 The proposal is therefore in conformity with Policies 2 and 3 of the South East Lincolnshire Local Plan in terms of the above.
- 7.7 Means of access/highway issues
- 7.8 There is sufficient parking for 3 vehicles and turning facilities have been provided. LCC Highways does not wish to restrict the grant of permission. The proposal is therefore in accordance with Policies 2, 3 and 36 in this respect.
- 7.9 Other matters
- 7.10 Drainage - Foul water would be disposed of via the mains drain and surface water via soakaways.
- 7.11 Flood Risk - The site lies within Flood Zone 1 (low risk) defined by the Environment Agency Flood Maps. The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. The site is therefore sequentially preferable.
- 7.12 Contamination and archaeology
- 7.13 A separate condition compliance application will need to be submitted to discharge conditions 6, 7, 8 and 10 of outline permission H23-0650-18 because they do not form part of the reserved matters.
- 7.14 Conclusion
- 7.15 The proposal satisfactorily complies with the reserved matters and is in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.
- 7.16 **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.

8.0 RECOMMENDATIONS

8.1 Approval of reserved matters subject to the conditions listed in Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
18/553/PA/002.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Note 1 - The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

3. Note 2 - The applicant is reminded that a separate condition compliance application will need to be submitted to discharge conditions 6, 7, 8 and 10 of outline planning permission h23-0650-18 relating to archaeology and contamination because they are not "reserved matters".
4. Note 3 - The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk
5. Note 4 - Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

