DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0211-19**	**Applicant:**	**Mr & Mrs D Tointon**
Proposal:	Residential development (2 dwellings) - re-submission of H23-1065-18		
Location:	Off Millgate Whaplode Spalding		
Terminal Date:	23rd April 2019		

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 9, 11, 12, 14, 15 and 16

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted in December 2018 for 2 detached dwellings consisting of a 2 bed one and a half storey property on plot 1 and a 3 bed house on plot 2 (ref. H23-1065-18). The applicants' now propose to modify the scheme. Essentially, the dwelling on plot 1 has been moved towards Buttercup Paddock and a single garage incorporated. The landscaping scheme has also been revised.

Site Description

The site (total area some 0.24ha) is the northern part of a small copse on the southern fringe of Whaplode.

An access road serving Buttercup Paddock is situated to the north, agricultural land to the east and two dwellings opposite. A bungalow and land associated with Holmlea is situated further to the south beyond a drain.

Policies/Constraints

The site is outside Whaplode Development Boundary as defined in the South East Lincolnshire Local Plan (March 2019).

It is within Flood Zone 1 and an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment.

Consultation Responses

Whaplode Parish Council - Support.

LCC Highways - Request the provision of a 1.2 metre frontage footway connecting the development to the existing footway network.

Planning Considerations

The main issue in this case is whether the proposed modifications are acceptable on planning grounds.

Housing Policy/Sustainability

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The appeal site is located outside of Whaplode Settlement Boundary as defined in the recently adopted South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside.

SELLP Policy 1 directs developments within settlement boundaries and states that development in the Countryside will only be permitted that is necessary to such a location 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.

The proposal is not wholly in accordance with the above policy. However, the site has an extant permission (ref. H23-1065-18) and this is a modification. This fallback position is a material consideration that outweighs the development plan in this particular case. No objections are therefore raised in principle to the modification.

Character/Appearance

The dwelling on plot 1 is of interesting design and is loosely based on the existing chapel of rest, which it is understood is to be removed from the cemetery within the village. The applicants' propose to re-use the reclaimed bricks. The dwelling on plot 1 has been moved towards Buttercup Paddock and a single garage incorporated. It is considered that the proposed revision would not materially harm the character or appearance of the rural locality.

As previously, existing trees would be retained where possible, including an Oak which was originally intended to be removed as part of the previous approval for a single dwelling. It is now proposed to remove a Field Maple and Sycamore at the rear. However, it is now proposed to retain a Mountain Ash and Cherry along the site's frontage to offset this loss. A Silver Birch would also be removed but is in poor condition. These matters have been discussed with the Council's Nature Conservation Officer. It is considered, on balance, that the modifications are acceptable and would not materially harm the character or appearance of the rural locality taking into consideration the fallback position.

Residential Amenity

A bungalow and properties off Buttercup Paddock are situated to the north and a house almost opposite. The separation distances are still such that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. Blockage of view and property de-valuation are not material planning considerations and therefore carry no weight.

Highway Issues

The County Highways Authority has raised no objections on highway safety grounds, but has requested a frontage footway, as previously. However, a frontage footway would result in the removal of or prejudice the continued existence of several of the existing trees fronting the site, including the Oak. Its construction would harm the present rural character of this part of the village and it would have limited benefit because the nearest footway is nearby on the northern side of Buttercup Paddock. Taking these matters into consideration it is considered that a footway condition is not justified in this particular case.

Other Material Considerations

Flood Risk/Drainage - The Environment Agency's Flood Risk Maps indicate that the site is within Flood Zone 1. It is within an area of no hazard within the South Holland Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test.

Ecology - There is some evidence that the site is currently being used by wildlife, including owls, which are a protected species. It is therefore considered that an ecology condition should be attached to any permission.

Conclusion

Although the proposal is not in accordance with the new South East Lincolnshire Local Plan, 2019 the site already has planning permission for 2 dwellings.

No objections are therefore raised in principle given this fallback position. The proposed revisions are considered acceptable on visual and residential amenity grounds. LCC Highways have requested a footway; however, it was previously decided that this was not justifiable and would have a harmful effect upon the character of the area. In terms of flood risk, the proposal satisfies the sequential test.

Recommendation - That the application be approved under delegated powers.