DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0212-21**	**Applicant:**	**Mr & Mrs Ross**
Proposal:	Erection of Detached Dwelling		
Location:	Plot 1 Drove Road Shepeau Stow		
Terminal Date:	23rd 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
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 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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a 5 bed house with accommodation in the roof space. The site has previously had permission for a 4 bed house (ref. H23-0996-16 and H23-1126-17), which has expired.

Site Description

The application site is located on the northern side of Drove Road and was formerly agricultural land. It is the westernmost (plot 1) of 4 plots approved by virtue of outline permission ref. H23-0996-16. A house is currently under construction to the east (plot 2). Shepeau Stow Tower Mill is located approximately 45 metres to the west, which is grade II listed.

History

H23-0762-16 - O/A - Proposed residential development - Withdrawn 29 September 2016.

H23-0996-16 - O/A - Proposed residential development- Re-submission of H23-0762-16 - Granted 25 November 2016.

H23-0633-17 - Full - Proposed erection of 2 bungalows with attached garages (Plots 3 and 4) - Granted 23 August 2017.

H23-1126-17 - RM - Erection of 2 detached 4 bed houses - outline approval H23-0996 (Plots 1 and 2) - Approved 6 March 2018.

Policies/Constraints

The site is within the settlement limit for Shepeau Stow (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan, 2019.

Consultation Responses

Whaplode Parish Council

Supported.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

LCC Archaeology

Recommend conditions.

Public

No comments received.

Planning Considerations

The main issues are:
- Policy/principle;
- The effect of the proposed development on the character and appearance of the area and the setting of Shepeau Stow Tower Mill;
- Residential amenity;
- Highway safety;

- Other material considerations such as flood risk, drainage, contamination and archaeology.

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 Shepeau Stow Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Shepeau Stow, 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 committed sites and infill. In this case the proposed development is frontage infill within the existing village fabric and is part of an area of land that has previously had outline planning permission for residential development (ref. H23-0996-16).

The proposal therefore satisfactorily complies with Policy 1 of the South East Lincolnshire Local Plan, 2020.

Character/appearance

The site is essentially a frontage plot on the northern side of Drove Road. It has previously had permission for a 4 bedroom house, which was a handed version of that currently under construction on the adjacent plot to the east (Plot 2). The current application is for a 5 bed house with accommodation in the roof space and rooflights on its rear elevation. It would be constructed in Forterra Atherstone Red bricks with a Redland Mini Stonewold concrete slate roof and would incorporate traditional features such as segmental arches and brick detailing at eaves level/verges. Although it includes accommodation in the roof its height is similar to the house previously approved. It is considered acceptable in terms of design/appearance and would not materially harm the character/appearance of the locality. Regarding the affect of the development upon the setting of the nearby Tower Mill (grade II listed) the Heritage Impact Assessment concludes that "there will be a negligible impact from this proposed development with a slight adverse change to the setting of this designated heritage asset of high significance, though with no change to this significance".

The proposal therefore accords with Policies 2, 3 and 29 of the SELLP in this respect.

Amenity

A 4 bed house is currently under construction to the east (plot 2). Shepeau Stow Tower Mill is located approximately 45 metres to the west. Honeypot Cottage is located to the south west on the opposite side of Drove Road.

The proposed dwelling has a blank elevation facing west and a first floor en-suite widow only facing east. Overlooking is synonymous to a normal frontage situation. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking/lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

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

Highways

The proposal includes a new access, plus space for at least 3 vehicles and a turning area. LCC Highways do not wish to restrict the grant of permission on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP.

Flood Risk

In terms of flood risk, the site is located within Flood Zone 1 of the Environment Agency's Flood Maps. The Strategic Flood Risk Assessment indicates that the site is within an area identified as no hazard. The proposal therefore passes the sequential test.

Concerning the exceptions test, it is recommended that the finished floor level of the dwelling be set 300mm above existing ground level with a further 300mm of flood resilient construction above finished floor level. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Drainage

Surface water would be disposed of via soakaways. The scheme includes treated foul water outlets into an adjacent watercourse north of the development. The South Holland Internal Drainage Board has previously recommended that non-return flaps/valves be installed at the end of the outlet pipes. The applicant has agreed to this, which forms part of SHIDB procedure.

Contamination

The previous application (ref. H23-1126-17) was accompanied by a contamination report. Environmental Protection recommended that parts i) to iii) of the outline permission be discharged. Part iv) still remains outstanding and can be addressed by means of a condition.

Archaeology

This site lies within the medieval/post medieval settlement of Shepeau Stow. It is also within an extensive Prehistoric and Roman landscape. Development in the area could disturb previously unknown archaeological finds and features which could further our knowledge of the development of this settlement.

An archaeological specification was submitted with the previous application (ref. H23-1126-17), which set out the methodology to be followed. This can be secured by means of conditions.

Planning Balance

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 within Shepeau Stow Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019 and it is considered that the proposal would not materially harm the character/appearance of the locality or affect the setting of Shepeau Stow Tower Mill, which is grade II listed. The amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance etc. LCC Highways has raised no objections to the scheme on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2019. There are no matters of such weight as to outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal.

Recommendation

The application be approved under 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.