

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0225-24 **Applicant:** Mr S Haynes

Proposal: Erection of single storey dwelling - outline approval of H23-0970-22 (Re-submission of H23-0797-23)

Location: Ravens Bank Whaplode St Catherine Spalding

Terminal Date: 8th May 2024

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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SHDC INTERNAL	0	0	1	0
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CASE OFFICER ASSESSMENT

Proposal

This proposal seeks permission for the erection of one detached bungalow, through the submission of reserved matters, pursuant to outline planning approval H23-0970-22. This outline application granted outline permission for residential development, comprising one dwelling.

Site Description

The site is located on Ravens Bank in Whaplode St Catherine. The site comprises a rectangular shaped plot and is located outside any defined settlement boundary and within the countryside in policy terms. The immediate area is characterised by mainly open countryside with a small number of dwellings along the road with Little South Holland Drain to the north and open fields to the south. The site is within the Environment Agency Flood Zone 3.

History

H23-0970-22 - Outline - Erection of Single Storey Dwelling - Approved 14.02.2023

H23-0797-23 - Reserved Matters - Erection of Single Storey Dwelling - Approved 27.10.23

H23-0031-24 - Condition Compliance - Details of external materials (Condition 3 of H23-0797-23) - Approved 06.02.2024

H23-0026-24 - Condition Compliance - Details of site levels & floor levels, foul & surface water disposal, archaeological investigation, boundary treatments, ecological biodiversity measures & water consumption (Conditions 5, 6, 7, 11, 12 & 13 of H23-0970-22) - Refused 05.03.2024

H23-0225-24 - Condition Compliance - Details of site levels & floor levels, foul & surface water disposal, archaeological investigation, boundary treatments, ecological biodiversity measures & water consumption (Conditions 5, 6, 7, 11 & 12 of H23-0970-22) - To be determined

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Whaplode Parish Council

No comment

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS) , therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water)

I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Additionally, while not directly adjacent to the development site, there is a Board Maintained and owned watercourse (DRN197P4208 - F42 Little Holland Drain) close to the northern boundary that the applicant should also be aware of. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained and owned watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10. In addition, a Deed of Easement will likely be required for any works within 9 metres of the watercourse.

Historic Environment Officer

Due to the archaeological sensitivity of this site, this Section commented on outline application H23-0970-22 (Re-submission of H23-0797-23) and recommended three conditions (condition 7, 8 and 9) to ensure provision for the recording of archaeological remains during groundworks for the development. I reiterate this recommendation.

SHDC Environmental Protection Officer

No comments

LCC Highway and Lead Local Flood Authority

Recommendation: No objection. The proposal is for the erection of single storey dwelling - outline approval of H23-0970-22 and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The principle of development would typically be assessed against Policy 1 of the South East Lincolnshire Local Plan (2019). The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Other Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Other Service Centres will normally be limited to Committed sites and infill.

The application site in this instance is outside of the defined settlement boundaries Whaplode St Catherine. Although the site is outside the settlement boundary, the principle of the development of this site for one dwelling, is set by the outline consent H23-0970-22, referred to above.

This application comprises a Reserved Matters proposal, pursuant to outline approval H23-0970-22. Similarly to that explained above, this outline permission expressed that the principle of residential development (being one dwelling in that case) was acceptable.

In any event of the principle assessment above, the principle of developing this site for residential use has been established by the outline permission set out above. This application is therefore to assess the reserved matters, namely: Access, Appearance, Landscaping, Layout, and Scale.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture

and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The principle of a detached single storey dwelling on this site has already been accepted under the outline application therefore the siting of the proposed dwelling is considered acceptable. The proposed development would be located on land off Ravens Bank, Whaplode St Catherine. The character of the area is defined by a mixture of dwelling types, including both detached and semi-detached houses and bungalows. Spacing is also varied. Whilst some properties are on relatively spacious plots others are closer together. On balance, it is considered that one single storey dwelling could comfortably be accommodated in this location without materially harming the character or appearance of the immediate area.

The walls would be constructed using brickwork and horizontal black composite cladding, with a concrete roof tile. Given there are examples of various materials in the immediate area the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual amenity of the area.

The proposed finished floor levels are 0.150m above existing ground level. The finished floor levels of the proposed dwelling would be slightly raised in relation to the proposed land level; however, this would be such an extent that would not materially impact the street scene or neighbouring residents. The small raise and adequate separation distances ensures no unacceptable impact.

Overall, the layout, design of properties and appearance are considered to be acceptable.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Given the single storey nature of the proposed dwellings it is not considered to result in an overbearing impact to the neighbouring dwellings. The closest neighbour to the east (Windeacre) is a detached bungalow, the proposed dwelling would be located approximately 30m from the shared boundary. The proposed dwelling would be located approximately 40m from the closest elevation of Windeacre. Given this separation distance and relationship with this neighbour it would not appear overbearing or result in unacceptable levels of overshadowing.

With regards to the neighbour to the west, the dwelling would be sited approximately 1m from the closest boundary point, with the closest elevation being approximately 11m away from the neighbouring dwelling. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. In addition, the proposed dwellings would be single storey and is not considered to result in an overbearing impact to the neighbouring dwellings.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Landscaping and Boundary Treatments

Part of the front garden would be grass and the rest would be gravelled with granite chippings to provide off-street parking and turning provision for 2 vehicles. The remaining garden to the side and rear would be mainly lawn and would likewise be of decent size to ensure good levels of amenity to the future residents.

It is considered that these aspects of landscaping is acceptable for this site. However, it is noted, as detailed within this report below, that condition 12 requires 'Ecological Biodiversity Measures' to be submitted to the Local Planning Authority and as such, these additional details and measures will be assessed under the relevant formal application once received.

The proposal illustrates a new 1.8m fence to the eastern boundary, with the south and west boundary proposing a new 1.2m fence. These details must be submitted for approval by the Local Planning Authority through the outline Permission and as such, whilst these boundary details are considered to be acceptable, a further assessment and approval is required through a formal submission of details application. It is also noted that given the need for site levels to be submitted via condition of the outline approval, that the specific siting of these boundary treatments would also need to be provided within such future submission of details application.

The proposals for landscaping would be appropriate with existing site features and the residential use of the land. As such the scheme is considered to be in accordance with Policies 2 and 3 of the SELLP in respect of their provisions on landscaping.

Access, Highway Safety and Car Parking Provision

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposed dwelling would have 3 bedrooms. The proposed driveway layout would be sufficient

for two vehicles that could enter and egress the site in a safe and forward manner. The County Highways Authority have not objected the proposal.

The proposal would gain access directly via the southern side of Ravens Bank, similar in nature to those that current reside along Ravens Bank. The proposed access is typical for this area and is considered to be adequate.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flood Risk and Drainage

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, the Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South Holland Strategic Flood Risk Assessment (2017) (SFRA) as a basis to apply the sequential test. In this respect, the site is within an area of no hazard. The Standing Advice Matrix that accompanies the SFRA recommends that finished floor levels be set at 300mm above ground level.

The outline planning application which this reserved matters proposal is pertinent to, includes pre commencement conditions in relation to surface and foul water drainage. Notwithstanding the details submitted, these conditions must be formally discharged prior to a commencement of development. As such, these drainage matters will be assessed in detail within the relevant forthcoming submission of details application.

In this respect, the key material matters in respect of flood risk were detailed within the initial outline approval. This detailed that in respect of this application site, the site is within an area of no hazard.

"The Standing Advice Matrix that accompanies the SFRA, recommends that finished floor levels be set at 300mm above ground level, should permission be forthcoming".

Specifically in relation to the flood zone and potential risk of flooding, the supporting Flood Risk Assessment as submitted during the outline application recommended that: "a new residential building should be raised a minimum of 300mm above the existing ground level" and that, "the owners of the proposed dwelling should register with the Environment Agency's Floodline Warnings Direct Service".

It is noted that this reserved matters application illustrates that the finished floor levels of the site would be 150mm above 'road level'. However, details have not been provided that specifically outline the site levels of the road, the site levels of the existing application site or the site levels of the proposed development. Therefore, it is noted that the compliance with the recommendation of the Flood Risk Assessment is unknown.

Notwithstanding this, and the advice of the Local Planning Authority that the ground floor levels would need to be 300mm above the existing ground level, these details are required by condition attached to the outline approval to which this reserved matters application relates.

As such, the site levels and finished floor levels have not been approved or agreed within this application and the details of these must be submitted to the Local Planning Authority prior to the commencement of any development.

Overall, when considering the development in light of the considerations that must be assessed through this reserved matters proposal, it is considered that given the mitigation measures detailed and recommended by conditions as required by both this reserved matters application and those attached to the outline approval, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard, subject to the appropriate details being submitted and approved by the Local Planning Authority.

Other Outline Matters

Condition 4 on the approved Outline application states "the dwelling hereby permitted shall only be sold and developed as self build / custom provision in accordance with the definition within the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)."

The agent has confirmed within the previous planning application H23-0797-23, that the client has had input regarding the design of the building which is bespoke to their needs and he is planning to build it himself and become the first occupier of the building.

Furthermore, whilst not subject to the need to be submitted under this reserved matters proposal, conditions were attached to the aforementioned outline planning application which must be submitted to and approved in writing by the Local Planning Authority; either prior to the commencement of development or prior to particular stages of the development as specifically stated within that condition, with a need for the details to be implemented as approved.

This would be required in the form of a 'submission of details' application and includes the following conditions pursuant to outline planning approval H23-0970-22 (Summarised):

- Condition 5 - Details of Site levels and Finished Floor Levels
- Condition 6 - Full Details of Foul and Surface Water Disposal
- Condition 7 - Written Scheme of Archaeological Investigation
- Condition 9 - Submission of Report required by Condition 7
- Condition 11 - Boundary Treatments
- Condition 12 - Ecological Biodiversity Measures

Planning Balance

The principle of developing the residential scheme is acceptable at such location given the extant outline permission.

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development outside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4, and 36 (including Appendix 6), of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

It is recommended that the application is approved conditionally.

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.