DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0267-24**	**Applicant:**	**Mr S Steward**
Proposal:	Erection of dwelling, garage and swimming pool - Re-submission of H23-0905-23		
Location:	Rear Of Springway Stockwell Gate Whaplode		
Terminal Date:	31st July 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
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural 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 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of dwelling, garage and swimming pool - Re-submission of H23-0905-23.

The proposed dwelling would be accessed from Stockwell Gate, across the north of Springway and south of a neighbouring dwelling. The proposed dwelling is located to the rear and in an area beyond the settlement limit. The proposed dwelling is 6-bedroom and has living space over two-floors, at ground level it also includes a gym and a garage and proposes a separate swimming pool building to the rear of the plot.

The property is large and has a broad footprint, it would be served by good light with the abundance of fenestration proposed, the roof adds interest, which is multi pitched, the pitches are steep, and dormers straddle the eaves at certain points. The walls are proposed to be made up of a brindled facing brick with dark grey cladding. Roof is to be fibre cement, by Marley and the windows and doors all aluminium in grey. The swimming pool which is dual pitched is made up of the same materials.

Site Description

The application site is located outside the defined settlement for Whaplode and located within the open countryside for planning purposes. The application site is also located within Flood Zone 3 in accordance with the Environment Agencies Mapping System. The flood hazard and depth maps show that the site is located in an area at low risk of flooding.

At present there are a number of planning breaches occurring across the site, however these do not directly relate to this application site itself other than the proposed access, which is being used to serve an unlawful builders yard.

History

H23-0177-15 - First floor extension above existing bungalow. Approved 15-04-15

H23-0905-23 - Proposed dwelling with garage, swimming pool and storage building. Refused 15-11-23

H23-0402-21 - Demolition of dwelling and erection of 2 houses. Approved 07-07-21

H23-0722-23 - Extension & Alterations - Resubmission of H23-0278-23. Approved 04-10-23.

H23-0259-24 - Erection of Salon - Retrospective. Approved 17.05.24.

H23-0264-24 - Change of use of land to domestic and creation of family games room, siting of containers for domestic storage including security camera and fencing (retrospective). Approved 04.06.24.

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Chairman's Panel

The application can remain delegated.

Internal Drainage Board

As regards surface water disposal the consultee states:

I note the applicant has indicated that they intend to collect surface water via underground rain harvesting tanks. I recommend that you satisfy yourselves that these are appropriately sized to accommodate the development. In addition, I note the applicant intends to use soakaways to dispose of the excess surface water via infiltration. However, I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

As regards foul water treatment the consultee states:
I note that the applicant intends to dispose of foul water to a main sewer. Whilst unlikely, should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Highways & SuDs

Access to the proposed dwelling, garage, swimming pool and storage building would be via an existing vehicle access and roadway that is currently used to reach the yard area to the rear of the Applicants' host dwelling, 'Springway'. This roadway, whilst sharing the junction area immediately adjacent to Stockwell Gate with the host dwelling, separates shortly after this joint junction into two separate accesses. It is noted, that the intention is for family members to occupy the host dwelling once the Applicants have moved into the proposed dwelling but, in highway terms, the two units could equally function as two separate and unrelated households. The proposed dwelling has ample parking and manoeuvring space so there would be no expectation of residents' or visitors' vehicles being parked on the public highway or having to be reversed out onto the public highway. A footway on the opposite side of Stockwell Gate provides a suitable means to safely access the proposed dwelling on foot.

The movements along Stockwell Gate are not so numerous that it would be unsafe or difficult to cross the road. The Application site is surrounded by existing residential development. In view of the above, and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Environmental Protection

No comments.

Parish Council

Support as long as neighbours are not impacted.

Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, three letters of representation have

been received.

These can be summarised as the following material points:

- Outside development boundary
- Residential amenity impacts
- Backland
- Character impact upon settlement
- Noise/disturbance through the intensification of the use of the site
- Light Pollution
- Invasion of Privacy

Planning Considerations

Determining Development Proposals (Legislative and Policy Framework)

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 for the proposal subject to this advice, are detailed 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.

The following issues are relevant to this assessment:
- Principle of Development
- Flood Risk and Drainage
- Character and Landscape
- Amenity
- Highways Safety

Principle of Development

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 until 2036. Policy 1 (Spatial Strategy) expresses the 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.

The application site is located within the open countryside in accordance with Proposal Map (Inset 27 Whaplode) of the South East Lincolnshire Local Plan 2011 - 2036. Policy 1 'D' (Spatial Strategy) of the South East Lincolnshire Local Plan is concerned with development within the open countryside, it states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In the Countryside development will 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 benefit.

The application site is located within the open countryside and as confirmed there are sufficient

deliverable housing sites in the South Holland District to meet requirements, with in excess of 5 years supply demonstrated.

The proposal therefore which is for the erection of a single market dwelling is considered unacceptable in principle being contrary to Policy 1 of the South East Lincolnshire Local Plan.

Material Considerations

Paragraph 47 of the NPPF relates to the determination of planning applications. It states that:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

The application site previously benefitted from planning permission to erect two dwellings in place of 'Springway' under planning permission H23-0402-21. This has recently lapsed. This proposal is located further west to those dwellings and in the open countryside. There is also a recent residential scheme approved to the south that extends into the open countryside, perhaps further than this proposal does. Due to that form it is unlikely that a dwelling in this application site would give rise to unacceptable character harm, and given the previous approvals for two dwellings across the wider site it is considered that a dwelling would be sustainable in this location (having regard to wider sustainability issues)

On that basis it is considered that material considerations exist in this instance to support a departure from the local plan, subject to an assessment on the proposal meeting the broader sustainability objectives of the plan.

Flood Risk & Drainage

Policy 4 sets out South Holland's approach to Flood Risk. The application site is located within Flood Zone 3 in accordance with the Environment Agency Mapping Systems. A review of the hazard mapping and depth mapping that are derived from the SFRA show that the application site is located within an area that has a low risk of flooding.

The applicant has provided an FRA which includes both sequential and exceptions tests. The applicant states that given the low risk area of the site (in accordance with the hazard and depth mapping for South East Lincolnshire) the sequential test is based on the basis that there are no areas in a less vulnerable flood zone. This is consistent with the approach taken by South Holland officers in assessing the sequential test. Furthermore it has previously been considered sustainable that an additional dwelling in this location is sustainable. The proposal also puts forward a principal drainage strategy in that surface water will be directed into a soakaway. However, no evidence has been provided to show that infiltration is feasible.

The IDB have been consulted and state that should infiltration on site not be feasible it is likely that consent will be required under Bye Law 3 for discharging into a watercourse. At present, given that the proposed surface water drainage strategy is not evidenced, a condition would be attached requiring such details are submitted to and approved in writing with the LPA.

The LLFA have not made comment given that the proposal is not for major development and so outside of their remit. In terms of foul sewage, the strategy is to direct to the mains sewer, this is covered by external legislation (1991 Water Industries Act) and so a condition in this instance would be unreasonable. Therefore, subject to the aforementioned mitigation the proposal in terms of flood risk and drainage is considered acceptable.

Design, Character & Appearance

Paragraph 180 (of section 15) seeks to conserve and enhance the Natural Environment. Paragraph 'b' states that (proposals should contribute to and enhance the natural and local environment by) "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;" Policy 2 of the SELLP states 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.

Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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".

Key to this assessment is the context of the site. The dwelling is clearly of high merit; however, it is much larger in both scale and massing than the properties that front Stockwell Gate. That said this proposal represents a much reduced scheme to what was previously refused. There are also two storey dwellings located to the south of the application site. Therefore whilst there would be views of the dwelling from Stockwell Gate, given its reduced scale and separation from those dwellings the development is considered acceptable in character terms.

When looking back towards the settlement, the dwelling would be experienced against its backdrop. This would have a limited affect on the countryside character (when looking towards the settlement from the west). The impact would be diluted, as the remainder of the existing dwellings along Stockwell Gate would absorb such vistas.

In terms of the materials proposed, these are likely to be acceptable given the broad palate of materials that dress the dwellings along this part of Stockwell Gate, however given the potential impact of teh development these will be controlled by condition until more detailed information has been presented.

On this basis it is considered that the proposal would accord with SELLP Policies 2 and 3.

Residential Amenity

Paragraph 135f 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 the 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

It is considered that given the separation distances from all neighbouring properties, which includes the 13m separation distance from 'The Priory' and the 22m separation distance from the dwelling to its rear boundary, that impacts in relation to overbearing and overshadowing, whilst occurring to some extent would be acceptable.

Furthermore, all openings are located in appropriate positions. The first floor openings on the eastern elevation (which faces back toward Stockwell Gate) all serve bathrooms and so would be obscured. There is an opening serving the master bedroom on the rear, this is a large apex glazing feature, however the intrusion towards Fieldview Close is limited given the separation distances and the main body of the dwelling itself restricting views. Furthermore, the swimming pool building and boundary landscaping also provide some screening.

Given the proposal is located to teh rear of dwellings, inappropriate extension and outbuildings may have potential to impact unacceptable upon neighbouring amenity and therefore PD rights for these will be removed so the LPA can ensure amenity is protected going forward.

On this basis the proposal is considered to accord with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan as well as paragraph 135f of the National Planning Policy Framework.

Highway Safety

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.

Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The Highway Authority have been consulted and have stated that they have no objections on highway safety or parking grounds in relation to the proposed development. The proposal would utilise an existing access on to Stockwell Gate and the authority have no objections to this access being intensified to accommodate a dwelling. Furthermore, sufficient parking is proposed and future residents would be able to egress the site in a forward gear.

The proposal then in respect of highway safety and parking provision would accord with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan as well as section 9 of the National Planning Policy Framework.

Ecology

SELLP Policy 28 is concerned with the Natural Environment, part 3 deals with addressing gaps within the ecological network and is relevant to the proposal.

The applicant has provided An Ecological Management Scheme, this shows methods attracting wildlife. This is done through, Green Space Creation, Buffer Strip Creation, bird and bat boxes installed in the dwelling and around the site. The site at present is likely to have limited existing bio-diversity mainly laid to grass, which is kept low. The application too was submitted prior to BNG becoming mandatory for this scale of application. This document is supported by the extensive landscaping scheme proposed which will also be conditioned.

Therefore on the basis of the above and subject to any permission being linked to the document the proposal would accord with SELLP Policy 28.

Planning Balance

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.

Material considerations in relation to previous planning permissions as well at the fact that this proposal meets with the broader sustainability aims of the local plan mean that a departure from the plan could be supported.

There are limited impacts in relation to amenity and the impacts in relation to ecology, highway safety and flooding are acceptable.

Conclusion

The proposal is considered to accord with the broad sustainable objectives of the plan and therefore despite being located in the open countryside and contrary to SELLP Policy 1 the proposals in this instance is supported.

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.