

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H23-0286-24 **Applicant:** SSJ Property Investments Ltd

Proposal: Proposed Replacement Dwelling

Location: 11 Middle Road Whaplode Spalding

Terminal Date: 2nd September 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
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 11. Making effective use of land
Section 12. Achieving well-designed and beautiful 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	0
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	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for a proposed replacement dwelling at 11 Middle Road, Whaplode.

Site Description

The site is located within the defined settlement boundary of Whaplode as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

History

H23-0526-21 - Proposed residential development for one dwelling and garage, including demolition of existing bungalow - Withdrawn

Consultation Responses

South Holland Internal Drainage Board

No objections. Consent may be required under Byelaw 3 and is not currently required for Section 23 or Byelaw 10.

Lincolnshire County Council Highways

Recommendation:

No Objections

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 or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The application is for a proposed Replacement Dwelling. The access exists, the detailed parking is appropriate for the size of dwelling and turning is provided. The proposal will not have an adverse impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Informatives

Highway Informative 08

Please contact the Lincolnshire County Council Street works and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

South Holland District Council Environmental Protection

I request a standard land contamination condition be applied at this location.

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 and Drainage
- Biodiversity

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.

Planning Considerations

Principle of Development and Sustainability

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Main 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.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Whaplode, a Minor Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location would typically be considered appropriate, where development comprises infill development or that on allocated/ committed sites.

Whilst it is noted that the site lies within the defined settlement boundaries, Policy 1 identifies that within Minor Service Centres development would 'normally' be limited to infill development. Although this does not specifically identify that all development proposal's within 'Minor Service Centres' must be infill, committed or allocated sites, this is consideration of the policy. In this context, development that is not considered infill development or on committed/ allocated site, should typically be limited to those that have a justifiable reason to be located in such sites.

This development is considered to be infill and is not within a committed or allocated site as it is a replacement dwelling within the settlement boundary of a built up area. The proposal would therefore be in keeping with the linear form fronting the highway.

Whilst the linear form is not mentioned within this section of Policy 1, as it is with 'Other Service Centres'; this character form is typical within this area. As such, in a settlement in which development of sites is normally limited to allocated and committed sites and infill the use of a replacement dwelling that is linear is considered to be an appropriate form of development and as such, the proposal is considered to be in accordance with the requirements of Policy 1 of the SELLP when viewed in principle.

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 proposed replacement dwelling shall be constructed from K-Rend off white lightly textured render with a scraped finish, the dormer window on the western elevation will be made from grey horizontal imitation timber cladding. The roof is set to be constructed from Marley modern smooth grey concrete interlocking tiles with both the windows and doors being grey uPVC. Although it has been demolished, the existing property is made from a white render on the top half with horizontal cladding along the lower section, in addition to this whilst many properties are constructed from brickwork there are some that feature rendering across all elevations both on Middle Road and those that are visible from Mill Lane. It is therefore considered that the proposed materials closely match that of the existing dwelling and therefore the use of a render and cladding for the main sections will not harm the locality of the area. Furthermore, the roof tiles will also be similar to others along Middle Road.

The existing dwelling in which this proposal aims to replace is of a single storey nature as is the adjacent site with No. 11 and 9 being semi-detached bungalows, there are further bungalows in the immediate area that match the size/ height of this. Furthermore, there are also two storey properties along both Mill Road and Mill Lane there are two storey dwellings as well. The proposal in this regard is of a chalet style. As previously discussed, due to the different house types it is apparent there is no set design they must accord too and a chalet bungalow is considered to be acceptable. To the west of this site there is a fairly large chalet bungalow which supports the idea of location such a design within this area. Of course, as it is of a chalet style there is a dormer window to provide natural light in the first floor bedrooms; dormer windows are featured in the immediate area also. The design of the scheme overall should cause no material harm to the street scene, with there being no set design.

To the highest point, the replacement dwelling shall sit at 6100mm (ridge) and 2600mm to the eaves. The total width on the first floor will be 9000mm with the full length on the ground floor and first floor section being 11700mm, on the first floor the width is only 4000mm due to the chalet style of the development. As previously discussed there is an existing chalet bungalow along Middle Road, the size of this shall be taken into consideration and discussed; Shivana Lodge received planning permission in 1999 under H23-1035-99 for the erection of a four bed detached chalet bungalow. This has a total height of around 7600mm to the ridge and 2600mm to the eaves, it also features a smaller section protruding from the front elevation sitting at around 5800mm in between the ridge and eaves of the main section. It has a length of 13950mm, a width of 15100mm on one side and 10700mm on the opposite side; this give the dwelling an internal floor space of 144 metres squared on the ground floor and 103.95 metres squared on the first floor.

From the provided flood risk assessment, it is suggested that the dwelling must be raised by 600mm from ground level to appropriately mitigate against the flood risk in the area. In any case, it will still be lower in height than the aforementioned property. It is therefore considered that when comparing Shivana Lodge to the replacement dwelling at 11 Middle Road, as the proposal is of a smaller scale to an already existing chalet bungalow it is acceptable and proportionate to the area and should not cause any material harm on the street scene or locality.

The entrance hall located on the eastern side of the property leads directly to the bathroom and lounge that are adjacent on either side with the first bedroom and en-suite being sited directly opposite the entrance hall. Further north access is provided to an open plan kitchen and dining room with a utility connected to this. The staircase to the first floor is sited centrally, this leads through to the landing with shared bathroom and two bedrooms on opposite sides. It is therefore considered that the floor plan is acceptable as it flows well and each room has an acceptable

amount of natural light.

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.

On the west elevation there shall be one window on the ground floor with no windows on the first floor, this is the elevation facing the closest direct neighbour. This ground floor window shall operate for a downstairs WC and therefore due to the nature of the room shall be obscure glazed and not provide any view. On the opposite elevation facing No. 13 of which is slightly further away, there is one rooflight. From the plans provided it is clear that this window shall also be obscure glazed and in any case the landing would not be considered to be a habitable room and furthermore no material loss of privacy shall occur.

Finally, for bedrooms two and three, as seen on the plans, there shall be a window facing the public highway to the front and another facing the rear amenity area. The window to the front should result in no material loss of privacy due to there being existing trees on the opposite side of the road blocking any potential views. Moreover, the window from the rear elevation should also be acceptable due to the 13m gap to the boundary for the rear neighbour and the angle means no material view should be provided for the neighbours on either side. Overall, no material loss of privacy should occur following on from this development being carried out and as such in this regard is acceptable.

As the proposed replacement dwelling is for a chalet bungalow it is of course taller than both the existing dwelling and the neighbouring property, the positioning of the plots could also result in the potential for some overshadowing. To the east there is a detached garage in line with the rear half of the development which means if a shadow is cast there will not be a new or harmful effect from this as the garage would provide cover. Additionally, any shadow that is cast from the front half of the dwelling to the front of the garage would be to this neighbour's front garden some distance away from the main dwelling itself and therefore this would not be a material or significant amount of shadow that is cast. To the west it is around a 1m from the boundary at the most, in a similar light to the neighbour's garage the plot shall be level with the existing dwelling at No. 9 which therefore reduces the potential for harm for material overshadowing to arise to the rear amenity space of this property. Due to them previously being semi-detached there is of course no windows on the side elevation that would be harmed. Overall, no significant or material overshadowing shall occur following this development being constructed and any that does arise will mostly be to a neighbour's front garden and over 30m away from the house itself.

Flood Risk and Drainage

Section 14 of the NPPF 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 162 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.

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 lies within Flood Zone 3 of the Environment Agency's Flood Maps. The latter 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. However, the maps are broad brush and do not take into account any flood defences. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area identified as no danger. Despite this, due to the site being within Flood Zone 3 and classed as a 'More Vulnerable' development a Flood Risk Assessment has been submitted with reference to the Sequential and Exception Test. The main sources of flooding in the area are identified as drainage, surface water, fluvial, tidal, reservoir and groundwater. For fluvial, reservoir and groundwater there is no evidence to suggest that there is risk for this site from these sources.

The mitigation measures suggested within the flood risk assessment outline that the floor level of the dwelling should be 600mm above site levels and that there is flood resilient construction to a height of 300mm above finished floor level. Due to the current site levels being 300mm lower than the road level, the site must be raised 300mm to the road and then a further 300mm to the FFL, this would therefore be of an acceptable amount to ensure that the property is protected from flooding whilst also not appearing disproportionate due to it being raised too high. Other applications in the immediate area for dwellings also had their FFL raised to 300mm and no issues were raised in this instance.

Some concern could be raised due to the fact that the property is a chalet bungalow and features a ground floor bedroom; however, following the raising of the floor levels plus the introduction of flood resilient construction to a height of 300mm above FFL this should help combat this issue. Furthermore, there are two bedrooms located on the first floor therefore providing habitable accommodation in a suitable location should flooding occur.

Conditions have been attached, given the need to increased land levels and finished floor levels, to ensure no impact shall be caused to neighbouring properties.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of the National Planning Policy Framework 2023 in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (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.

The proposed replacement dwelling shall have three bedrooms, as such there must be at least two spaces for vehicles. From the plans included it is apparent that the development has acceptable and adequate parking with the plan being labelled 'Car 1' and 'Car 2' with plenty of extra gravelled driveway for turning and the storage of extra cars if needed. LCC Highways have raised no objections to the scheme stating that 'The access exists, the detailed parking is appropriate for the size of the dwelling and turning is provided. The proposal will not have an adverse impact on the public highway'. It is therefore considered to be acceptable on highways terms.

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.

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.

The proposal represents appropriate development within 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.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 10, 11, 28, 30 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.