DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0331-19**	**Applicant:**	**Mr & Mrs R Tomizzi**
Proposal:	Residential development		
Location:	Rear Of 48 Broadgate Whaplode Drove Spalding		
Terminal Date:	20th May 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5 & 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for residential development on land to the rear of 48 Broadgate, Whaplode. The indicative proposal seeks to provide three dwellings accessed via a shared private drive on land to the rear of 48 and 44 Broadgate. This application only seeks to establish the principle of development in this location.

Site Description

The proposal is outside defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. Dwellings are sited to the east with arable land to the north and west, and a dwelling approved under reference H23-1124-17 currently under construction to the south. The site is located within Environment Agency Flood Zone 1 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as not being affected by flood hazard or flood depth. The site is therefore in a sequentially preferable area in terms of flood risk, in accordance with Section 14 of the NPPF.

History

None

Consultation Responses

Environmental Protection Officer

No comments or observations.

Whaplode Parish Council

Support but need to ensure arrangements for drainage are specifically covered within planning conditions as there is no mains drainage.

Historic Environment Officer

No archaeological impact.

County Highways & SUDS Officer

Requests access and utility informatives.

"In accordance with Manual for Streets, for any private drive over 25 metres, the Applicant is to provide a refuse collection point. Residents should not be required to carry waste more than 30 metres and waste vehicles should be able to get within 25 metres of the storage point."

"Emergency vehicles should be able to access within 45 metres of every dwelling, therefore sufficient turning should be provided within the private driveway for an emergency vehicle. This should be demonstrated in the form of a swept path analysis."

Member of public comments

Outside of defined settlement limits
Impact on drainage
Highway safety
Overlooking from indicative layout (Carries minimal planning weight)
Potential noise (Carries minimal planning weight)
Joint use of access road by agricultural machinery. (Carries minimal planning weight)
Applicants relationship to a Parish Councillor (Carries minimal planning weight)

Planning Considerations

Since the application to the south under reference H23-1124-17 was determined, the South East Lincolnshire Local Plan (2019) (SELLP) has been adopted. However, this does not materially change the policy status of the site as it remains outside of any settlement boundary and is therefore still classed as being in the countryside.

Policy 1 of the SELLP states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need. Since submission of the application, as of 31 March 2019 the Council can now claim a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6.07 years through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance.

The proposed development would set a harmful development by positioning residential dwellings in a backland, countryside location behind the main built-up area of the village. This would have an adverse impact on the character of the area and would set a harmful precedent for further development inside and outside the settlement boundary. This would have a cumulative material adverse impact by eroding the countryside character of this area. It would therefore be contrary to Policies 2 and 3 of the Local Plan which seek, amongst other things, to ensure that new development does not have a material adverse impact upon the character and appearance of the locality.

Conclusion

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated refusal.

A delegated refusal is considered to be appropriate.

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 to refuse permission 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 to refuse permission 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 residents). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation to refuse permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.