DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0398-19**	**Applicant:**	**Mrs Chapman**
Proposal:	Proposed residential development for five dwellings.		
Location:	Aubretia Cranesgate South Whaplode St Catherine		
Terminal Date:	7th June 2019		

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
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 9, 11, 12 and 14

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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (5 plots), with all matters reserved for subsequent approval. The site is accompanied by an indicative site layout plan making provision for 5 bungalows.

Site Description

The site (some 0.18ha) is located on the eastern side of Cranesgate and is currently occupied by a bungalow (Aubretia) plus associated garden. A telephone call box is located along the frontage, plus a footway. A number of trees are situated along the site's perimeter, including a Chestnut along the southern boundary and a Willow tree at the rear.

Bungalows are situated to the north and south of the site.

Policies/Constraints

The site is within Whaplode St Catherine Development Boundary as defined in the South East Lincolnshire Local Plan, 2019.

Representations

Whaplode Parish Council - Overdevelopment of the site in a predominantly linear street scene.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Environmental Protection - Request contaminated land condition.

Public- Resident objections received (summarised):
Increase in traffic during and after building works; Limited parking in Cranesgate South which is used by local farmers, residents, school buses, etc and is narrow with low visibility; Also regularly hold events at the village hall and the Bluebell Inn; Where will residents park; Cranesgate South will be made even more hazardous to the detriment of highway safety; Environmental impact; No mains sewerage in village; More soakaways would cause wet ground, flooding and environmental issues; Not sustainable - no facilities in village (eg, school, shop, doctor's surgery);

Material Planning Considerations

The main issues in this case are:
1. The principle of residential development;
2. Character and amenity issues;
3. Highway safety;
4. Other material considerations such as flood risk.

Principle/Sustainability

The site is inside Whaplode St Catherine Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres and Settlements, including Whaplode St Catherine, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to Committed Sites and infill.

Character/Appearance and Amenity

The site is presently an attractive open area at the rear of an existing bungalow within a rural settlement. Other than a dwelling to the south (Phoenix) existing dwellings within the vicinity are situated close to the road (ie, frontage). The indicative plan includes 3 backland plots. It is considered that the latter would constitute an inappropriate and cramped form of backland

development that would be suburban in nature and which would have a harmful effect upon the existing rural character of the locality.

Moreover, the proposal would in all likelihood have a harmful effect upon the amenity of nearby residents, in terms of lack of privacy and noise and disturbance created by vehicles using the private drive.

Highway Safety

Concerns have been raised on highway grounds, including additional traffic and Cranesgate South being unsuitable to accommodate further development such as that proposed. However, LCC Highways has been consulted and does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The south eastern corner of the site is located within Flood Zone 2 of the Environment Agency's Flood Maps. The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District lie within Flood Zones 2 and 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) as a basis to apply the sequential test.

The South Holland SFRA indicates that the site is located within an area identified as "No Hazard". The proposal therefore satisfies the sequential test.

Drainage - the application indicates that surface water would be disposed of via soakaways. Drainage could be addressed by means of a condition if permission was forthcoming.

Conclusion

The proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. However, the benefits are outweighed by the harm that the proposal would cause in terms of the development's effect upon the rural character and appearance and amenity of the area. A total of 5 plots are proposed, including in all likelihood 3 backland plots. The latter are not considered to be infill and would constitute an inappropriate and cramped form of backland development that would be suburban in nature and which would have a harmful effect upon the existing rural character of the locality.

Moreover, the proposal would in all likelihood have a harmful effect upon the amenity of nearby residents, in terms of lack of privacy and noise and disturbance created by vehicles using the private drive.

The proposal is therefore contrary to Policies 1 (Spatial Strategy) and 2 (Development Management) of the South East Lincolnshire Local Plan (March 2019) and advice within the National Planning Policy Framework, 2019. Policy 1 classifies Whaplode St Catherine as an area of development restraint and restricts new development to infill. Policy 2 indicates that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses, as well as impact upon neighbouring land uses by reason of noise, disturbance, etc. Paragraphs 122 and 127 of the Framework indicate that new development should be sympathetic to and maintain an area's prevailing character.

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 to grant 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 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.

Recommendation - That the application be refused under delegated powers