DECISION DELEGATED TO DEVELOPMENT MANAGER

| | | | |
|---|---|---|---|
| **Application No:** | **H23-0402-21** | **Applicant:** | **Mr D Carroll** |
| **Proposal:** | Demolition of dwelling and erection of 2 houses | | |
| **Location:** | Springway Stockwell Gate Whaplode | | |
| **Terminal Date:** | 8th July 2021 | | |

**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 |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2019**

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 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 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| INTERNAL DRAINAGE BOARD | | | | |
| SHDC INTERNAL | 0 | 0 | 1 | 0 |
| OTHER STATUTORY BODIES | 1 | 0 | 0 | 0 |
| RESIDENTS | 1 | 0 | 0 | 3 |

CASE OFFICER ASSESSMENT

**Proposal**

Full planning permission is sought for demolition of the existing dwelling and large shed and erection of 2 no. 4 bed houses.

**Site Description**

The site is within existing ribbon development along the western side of Stockwell Gate. It is currently occupied by "Springway", which is a large low-pitched single storey property, plus a large corrugated iron shed and static caravan. A paddock is located further to the rear, which extends to the south.

"The Priory" is located to the south, which is a L shaped one and a half storey cottage style dwelling with detached garage towards the rear. "Birch Lodge" is located to the north, which is a two-storey property with subsequent additions to the rear. Closeboarded timber fencing is situated along the boundaries of the adjoining plots.

A site further to the south has recently received full planning permission for 9 dwellings (ref. H23-1083-20).

**History**

H23-0177-15 - First floor extension above existing bungalow - Granted 15 April 2015.

H23-1158-20 - Full - Demolition of dwelling and erection of 3 houses - Refused 17 February 2021.

**Consultation Responses**

Whaplode Parish Council

Supported.

Cllr. A Beal

Property at rear previously deemed unacceptable.

LCC Highways/SUDS

No objections. Request informatives.

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water

discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or amendments.

Public

Objections/comments received (summarised):

Overdevelopment; Urban - out of character; Overlooking/lack of privacy; Noise/disturbance from construction activities; Still have concerns on traffic volume for Stockwell Gate; Residents suffering enough disturbance from development (9 properties) nearby; Parking issues; Request Swift bricks; Land at rear should not be garden; Lead to further development on paddock at rear; Residential boundary has been extended onto land that formed part of agricultural smallholding; Boundary issues; Will large shed at rear be moved; Where will applicant live whilst houses are being constructed; Breach restrictive covenants.

## Planning Considerations

Policy/principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Other than a sliver of land at the rear, the development site is inside Whaplode Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Minor Service Centres, including Whaplode, 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 allocated and committed sites and infill.

In this case the proposal would help sustain the existing settlement and constitutes frontage infilling within the fabric of the village. The proposal is therefore satisfactory in locational terms and in accordance with Policy 1 of the SELLP.

Concern has been raised about the loss of agricultural land to housing. However, in order to deliver the Council's required 'objectively assessed housing need,' as per the provisions of the NPPF, it is inevitable that some high-grade agricultural land will be lost. Given this context, it is not considered that the loss of a small amount of agricultural land in this location is an issue that would significantly and demonstrably outweigh the benefits of housing development, and thus represent a valid reason for refusal in this instance.

Design and layout

Policy 2 of the SELLP states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings.

Planning permission is sought for two 4 bed houses. The site is within a ribbon of development on the fringe of the village that extends north along this section of Stockwell Gate. There is an eclectic mix of properties within the locality in terms of type, design and materials. Houses are located to the north and a one and a half storey cottage style dwelling to the south fronting Stockwell Gate. It is considered that the proposed development could be accommodated without materially harming the character/appearance of the street scene or locality.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places

with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The Priory is located to the south, which is a L shaped two-storey detached house with detached garage. Birch Lodge is located to the north, which is also a two-storey property with subsequent additions to the rear. Closeboarded timber fencing is situated along the boundaries of the adjoining plots.

The dwelling on Plot 1 facing "Birch Lodge" to the north would only have a bathroom window (obscure glazed) window at first floor level on its side (northern) elevation. The house on Plot 2 would have a blank side elevation at first floor level and a utility door at ground floor level. The boundary is delineated by closeboarded fencing. Overlooking of neighbouring property at the rear would be oblique and synonymous to a normal frontage situation. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect or noise/disturbance once complete.

Whilst it is accepted that there would be some noise/disturbance during the construction phase this would only be temporary and is outweighed by other factors in favour of the scheme.

The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.

Flood risk

The site is within Flood Zone 3 as shown on the Environment Agency's Flood Zone Map. However, the hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defences were to occur. The proposal therefore satisfies the sequential test.

In terms of the exceptions test, the finished floor level of the proposed dwellings should be 300mm above the average existing ground levels.

Highway safety and car parking provision

A new central access would be formed in addition to the existing access. Vehicular turning facilities have been provided. The County Highways Authority has raised no objections on highway safety grounds.

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision based upon the use class. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The proposed dwellings would have 4 bedrooms. Each property would have 3 no. parking spaces. Overall, the proposal would ensure minimum parking standards.

Ecology

It has been requested that the proposed houses include swift nesting boxes. Both the SELLP and Framework indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Other Matters

Issues have been raised over property boundaries and restrictive covenants. These are legal matters that fall outside the remit of planning. The applicant can have temporary accommodation on site whilst the development is carried out.

Planning balance

No objections are raised in principle to frontage residential development upon the site. The proposal would be in keeping with the linear pattern of development along this section of Stockwell Gate and would not materially harm the character or appearance of this part of the village. The proposed development would sit satisfactorily within the street scene. No undue harm would occur upon the amenity standards of adjacent residents.

The dwellings have satisfactory car parking arrangements within the plots and no cumulative impact upon highway safety is anticipated by the proposal. The design of the development would accord with the low flood risk probability on the site and its setting.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

## Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended that the application be approved under delegated powers.

## 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.