m a t r i x

p l a n n i n g

To:
South Holland District Council
Planning Department

20 April 2021

Dear Sir/Madam,

Land At Springway , Stockwell Gate, Whaplode, PE12 6UE
Demolition of Springway and erection 3 houses
Revised application following refusal of H23-1158-20

Application H23-1158-20 was refused on 17 February 2021, for the reasons given in Appendix 2 as attached (page 17).
The current application is of the same character and description but varies in several respects, as follows.

1. The justification for approval has been strengthened by the council's subsequent decision on a neighbouring site. These circumstances are fully explored in the following update report (section 2 below).
2. Plot 3 has been altered to omit two dormer windows facing Plot 1, now replaced with roof lights.
3. The garden to plot 3 has been increased in size to include land that is presently used as garden space by the application site. This area is coloured blue, and its inclusion may thereby be secured by condition.
4. Additional parking spaces have been added to Plots 1 and 2.

Yours sincerely,



Gordon Smith, MRTPI

The submitted documents are:

- 2020_10_14 FRA Stockwell Gate Whaplode
- This covering letter including Planning, Design and Access Statement
- Plans as listed overpage

Land At Springway , Stockwell Gate, Whaplode, PE12 6UE
Demolition of Springway and erection 3 houses, including use of land as extended garden

Supplementary Report

to support revised planning application

The is a re-submission of a previously refused application. The previous Planning Statement is attached as Appendix 1. The contents of this still stand, but as updated by this report.

The revised plans are

1.	3090 - S01 rev C -	Site Location – *increased to allow for a larger garden to Plot 3*
2.	3090 - S04 rev B	Existing Block Plan
3.	3090 - S02 rev D -	Proposed Block Plan for 3 plots – *includes larger garden for Plot 3 and 2 additional parking spaces*
4.	3090 - S03 rev D -	Site Visuals for 3 plots
5.	3090 - 100 -	Proposed Elevations Plot 1 and 2
6.	3090 - 101 -	Ground Floor Layout Plot 1 and 2
7.	3090 - 102 -	First Floor Layout Plot 1 and 2
8.	3090 - 103 -	3D Visuals Plot 1 and 2
9.	3090 - 300 rev D -	Proposed Elevations, Plot 3 – *amended to replace x2 dormers windows with x2 rooflights*
10.	3090 - 301 rev B -	Proposed G-F Layout
11.	3090 - 302 rev D -	Proposed F-F Layout – *amended to replace x2 dormers with X2 rooflights*
12.	3090 - 303 rev D -	3D Visuals Plot 3

1. Reasons for the current revised application

Application H23-1158-20 was refused on 17 February 2021, for the reasons given in Appendix 2 as attached.

The current application is of the same character and description but varies in several respects, as follows.

1. The justification for approval has been strengthened by the council's subsequent decision on a neighbouring site. These circumstances are fully explored in this update report (section 2 below).
2. Plot 3 has been altered to omit two dormer windows facing Plot 1, now replaced with roof lights.
3. The garden to plot 3 has been increased in size to include land that is presently used as garden space by the application site.
4. Additional parking spaces have been added to Plots 1 and 2.

2. Justification for approval has been strengthened by the Council's subsequent decision on a neighbouring site.

Refusal Reason 1 of H23-1158-20 stated:

> *The built environment in the surroundings of the site consists of a well-defined ribbon development onto Stockwell Gate. The erection of Plot 3 to the rear of the other two plots would unduly harm the linear pattern of development which defines the character of the local area. The Local Planning Authority is mindful of several domestic curtilages nearby having outbuildings to the rear of the dwellings. However, none of them are an independent building for permanent residential use but for incidental enjoyment of the dwellings.*

The premise that the site falls in a well-defined ribbon development is incorrect. The area will now be very mixed in character. It has both ribbon development, and some development in depth that is permitted (but not built) by a planning permission (H23-1083-20) and the local plan allocation Wha002.

a. Comparison with neighbouring approval on near adjacent site.

Appendix 3 is a record of an approval for a neighbouring site (Land adjacent to the Heathers, Stockwell Gate (approval H23-1083-20). This decision was taken on 23 March 2021 after a refusal of permission on the present application site.

Despite a few attempts by the agent to review these cases with the two case officers, no productive review was enabled. The Council appears not to have seen the inconsistency between the two decisions, hence this application.

b. Development in depth

This approval H23-1083-20 presents both frontage development (already approved under a previous permission) combined with development in depth. The latter rear element extends into open countryside.

The officer report to the approval H23-1083-20 concluded:

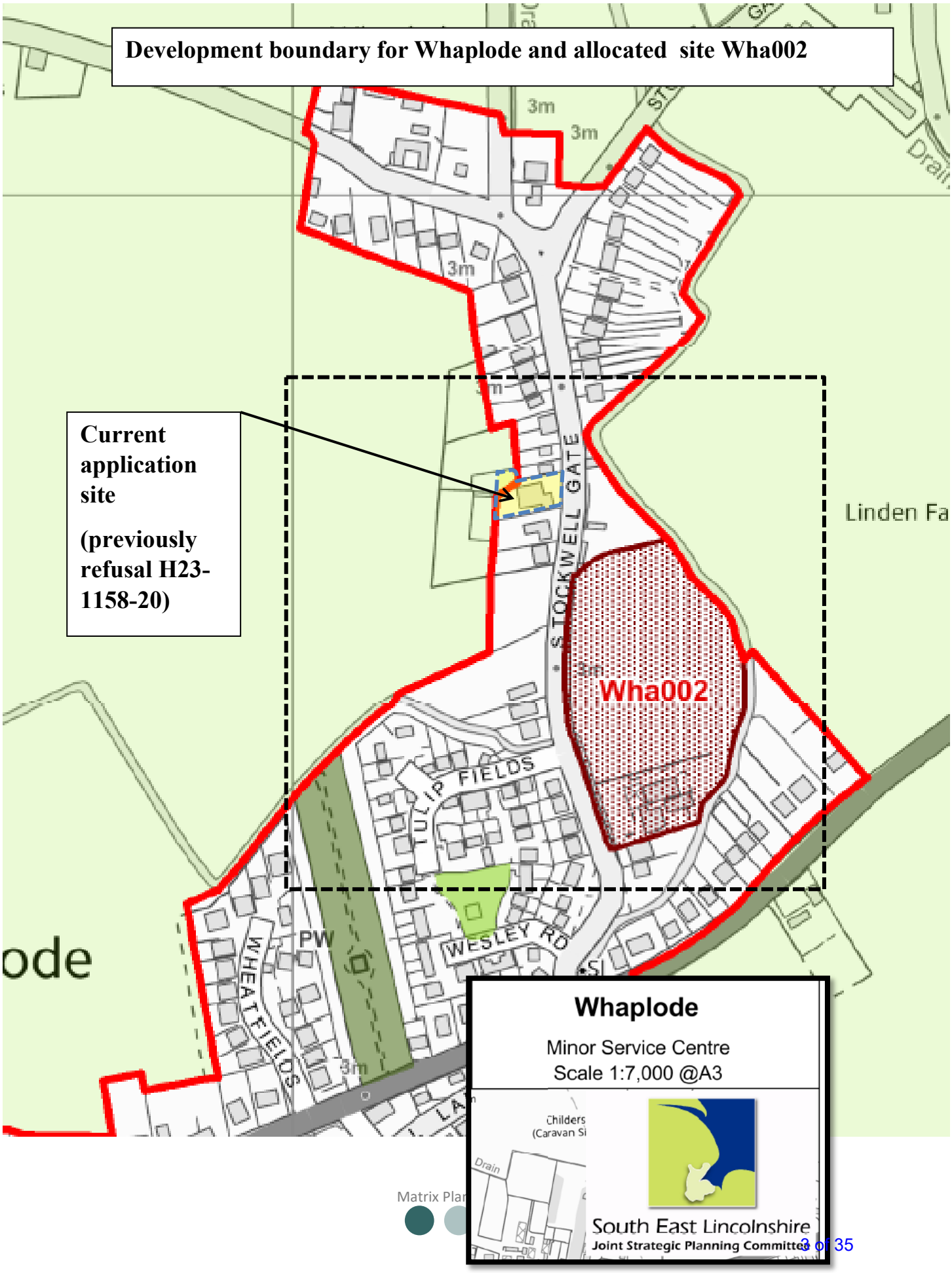
> *"Development to the north is predominantly frontage. On this basis, frontage development would appear most appropriate. However, it should be noted that agricultural land immediately opposite is an allocated housing site (Wha002) and will most likely be developed in the near future (ie, a small housing estate). The northern extent of the allocated site more or less corresponds with the northern boundary of the development the subject of this application. Given the specific characteristics of this part of Stockwell Gate, it would be difficult to argue that a small cul-de-sac development would be out of character."*

c. Application of this conclusion to the present application site

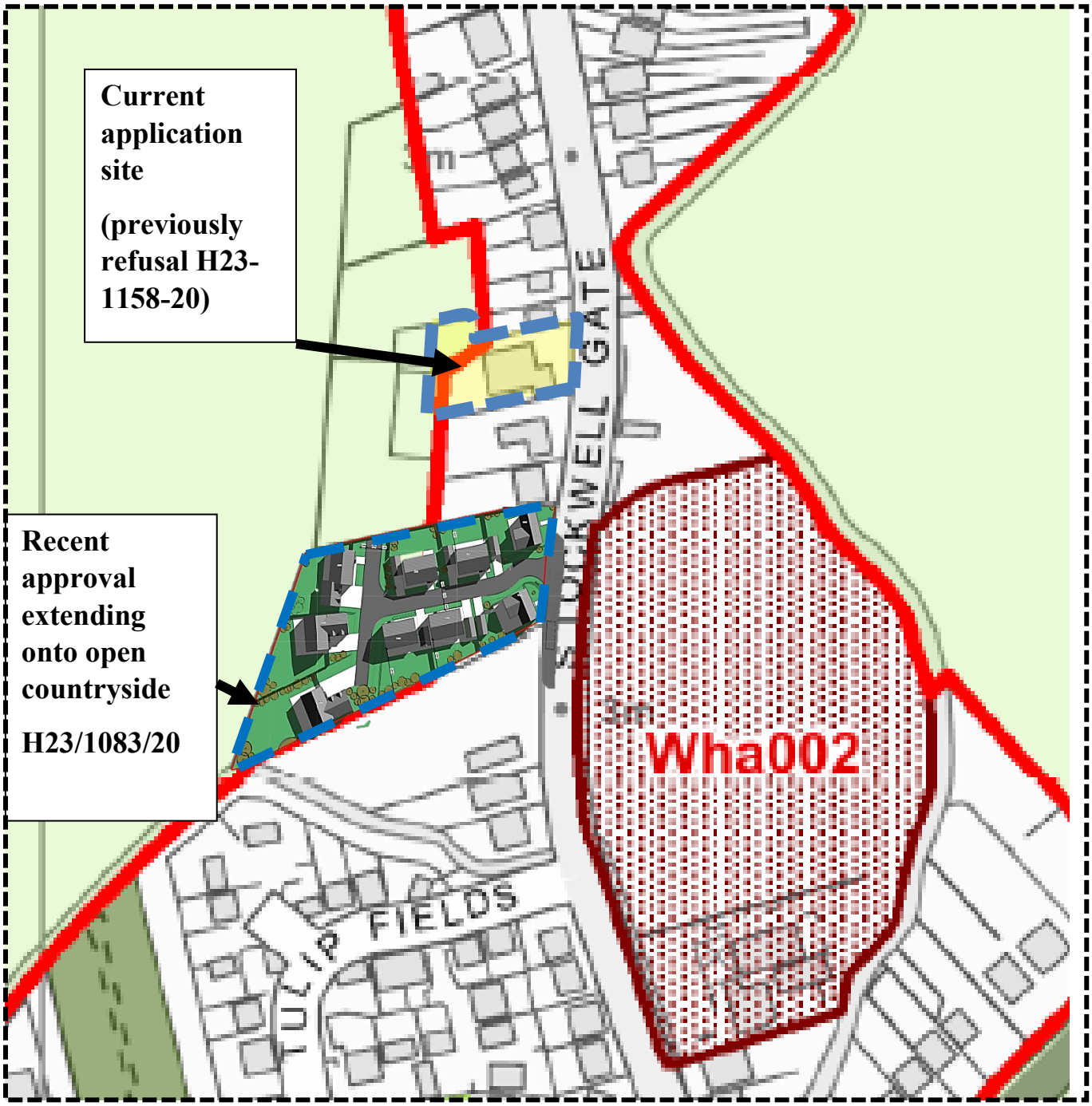
The present application site is a neighbouring site. It is difficult to escape the fact that the areas are of the same character being such close neighbours. Consequently, it is advised that the above conclusions should apply equally. The development of Plot 3 was previously the subject of a refusal reason that required only linear development. This conclusion is now shown to have been incorrect.

d. Annotations of the proposals map to show future character.

The plan overpage present all this in physical context.


Development boundary for Whaplode and allocated site Wha002
Current application site
(previously refusal H23-1158-20)
Wha002
STOCKWELL GATE
TULIP FIELDS
WESLEY RD
WHEATFIELDS
PW
3m
Linden Fa
ode
Whaplode
Minor Service Centre
Scale 1:7,000 @A3
Childers (Caravan Si
Drain
South East Lincolnshire
Joint Strategic Planning Committee
Matrix Plan

Development boundary for Whaplode , allocated site Wha002, and permitted site H23/1083/20



3. Plot 3 has been altered to omit two dormer windows facing Plot 1, now replaced with roof lights.

Refusal Reason 2 of H23-1158-20 stated.

> *"The separation distance between the dormer window of Plot 3 facing eastwards and the rear of Plot 1 would not be sufficient to prevent significant overlooking between primary windows and from a primary window to private domestic garden."*

A minor amendment is now offered to replace these windows with roof lights to limit the perception of privacy loss. It is always additionally open to the planning officer to require the planting of trees by condition to filter views between such windows.

The present window (Plot 1) to window (Plot 3) distances presents just under 20m privacy separation that equates to common practice for new developments. The Council does not have any adopted standards for such separation, but the distance is a common rule of thumb in relation to privacy standards used elsewhere.

Indeed it is of interest that the example used in emerging national guidance on design codes where it addresses privacy shows a *lesser* standard of 15-20m (see the MHCLG Consultation dated March 2021 on Guidance_Notes_for_Design_Codes 2021, Guidance notes for Design Codes (publishing.service.gov.uk) , page 75.) .

Consequently, it is reasoned that Refusal Reason 2 cannot be sustained.

4. The garden to plot 3 has now been increased in size.

a. Garden size

Refusal Reason 2 of H23-1158-20 stated:

> *"… Plot 3 would not have a well-defined and sufficiently sized garden to appropriately ensure an external amenity area for the enjoyment of future occupiers."*

There appears to be no substance behind this refusal reason. However, setting that aside, the garden area has been increased in the revised application. This is edged blue and its inlcusion may be secured by condition.

Plot 3 *as previously presented* had a useable garden area of over 150m^2 . The garden extension as shown measures 270m^2 (total new garden shown is therefore 420m^2). This excludes the driveway and parking area and is still far more than what is achieved in many other new dwellings. The Council do not have any adopted standards for such provision, and it is suggested the previous refusal failed to reasonably judge the adequacy of the garden space then shown.

Plot 3's garden was previously and is still larger than that shown for Plots 1 (120m^2) and Plot 2 (100M^2).

b. Use of land

There is no change of use. The present use of this land is presently residential garden with sheds and poultry coops. However, for clarity it has been included in the description of development.

5. Additional parking spaces have been added to Plots 1 and 2.

Refusal Reason 2 of H23-1158-20 stated:

> *"The proposed plots onto Stockwell Gate would have 4 bedrooms and no in-built garage. Two parking spaces on the driveway are only provided per plot and there should be one further to prevent on-street parking."*

The applicant has endeavoured to prevent the front of these houses being dominated by parking and believes that 2 spaces is sufficient. Indeed, the layout of the development would allow the driveway itself to be used for parking a third vehicle.

However the applicant is willing to concede to assist with securing a planning permission, and a revised plan is now provided. This shows a third dedicated parking space for each of Plot 1 and Plot 2. It is intended to apply a garden friendly finish for the third parking spaces such as a free draining cell field system (see below for example).



6. Appendices.

1. Previous planning statement for current site.
2. Refusal Notice H23-1158-20
3. Approval Notice H23-1083-20, block plan and officer report

Appendix 1
Previous planning statement for current site.

Planning, Design and Access Statement

Land At Springway , Stockwell Gate, Whaplode, PE12 6UE

Demolition of Springway and erection 3 houses



1. The site and adjacent land

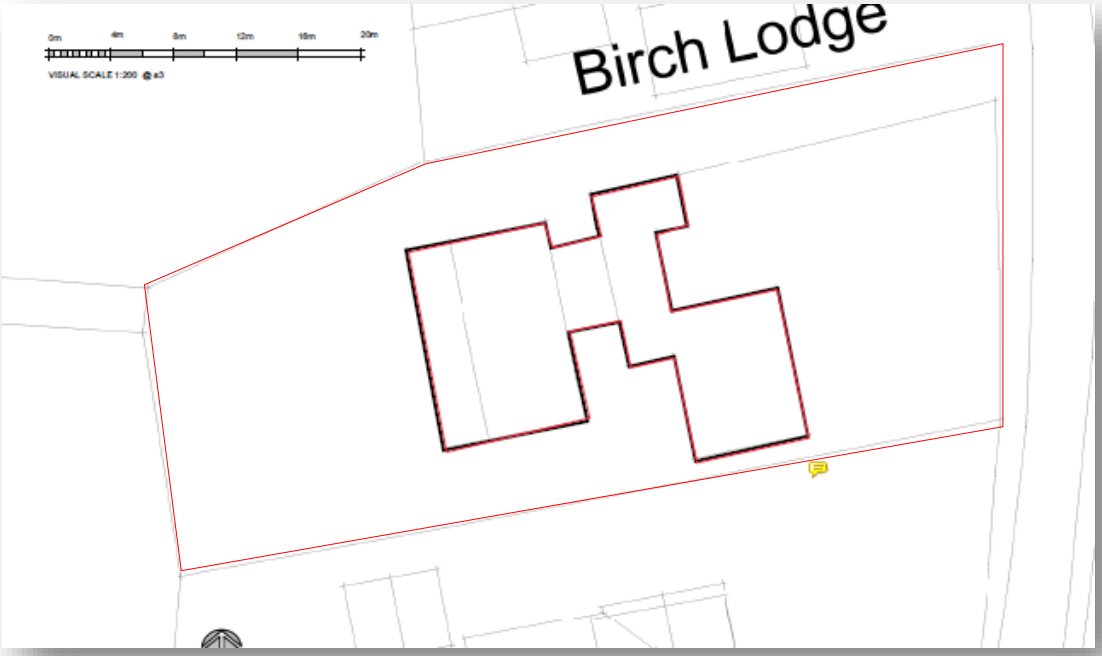
The site is on the northern side of Whaplode and is located inside the development boundary (see policy review below).

Whaplode is classified as a Minor Service Centre in the Settlement Hierarchy and is located between Holbeach (2 miles to the east) and Spalding (4 miles to the west). Within 1.5miles to the west is the village of Moulton with facilities including Medical Centre, Post Office, Primary School, Public House, Butchers, Hairdressers & Fish & Chip Shop to supplement those facilities found in Whaplode itself.

The A151 which dissects the village provides good transport link both private and public. Facilities within the village make it a sustainable settlement within South Holland. In the emerging South East Lincolnshire Local Plan Whaplode has been identified as capable of providing a significant amount of new housing (130 dwellings) during the intended plan period.

'Springway' itself is a large single storey structure with extensive outbuildings. It has 255m^2 of floorspace. Once this house is demolished the new cleared site will measure 1260m^2, extending 53 metres westward away from Stockwell Gate.





Above and below: the present house shown relative to its neighbours.



2. The proposal

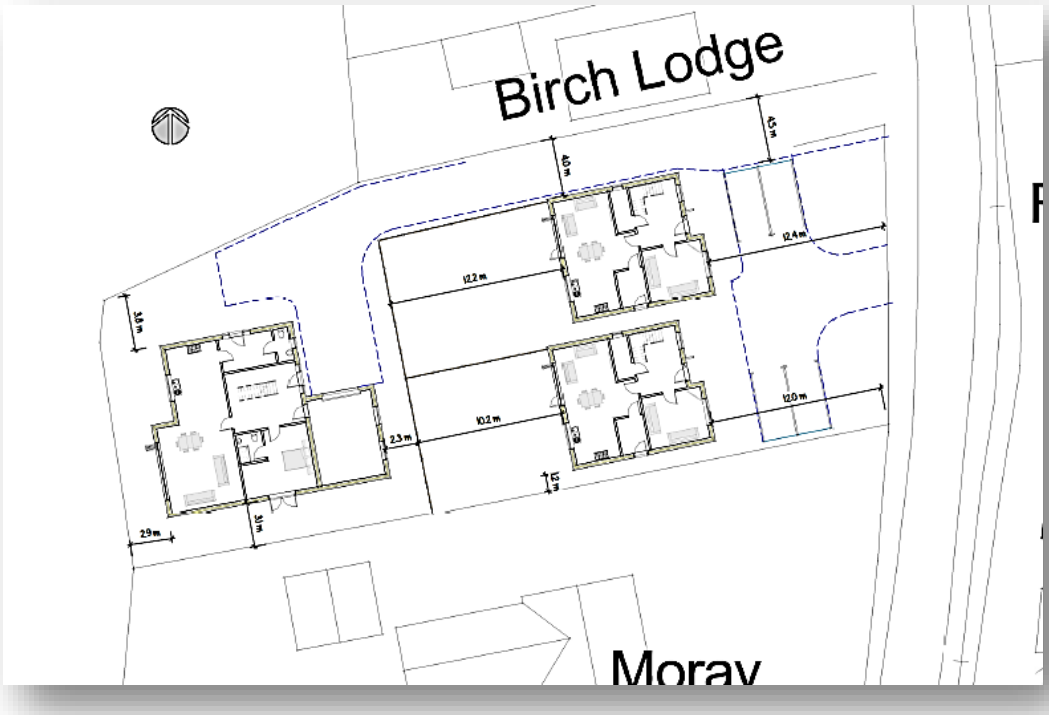
Three houses are proposed, with x2 two-storey 4-bed houses at the front and a 1.5 storey chalet bungalow to the rear.

Plots 1 and 2 are each 170m^2 in size on two floors. They are set back from Stockwell Gate by 12 metres and have their own shared access from Stockwell Gate. A dominant front gable feature echoes that found on the adjoining house to the north. Both properties are staggered rearward to allow an acceptable visual transition between the properties to their north and south

Plot 2 - the rear chalet bungalow – is 290m^2 in size. It has been specifically designed as a self-build project to accommodate the applicant. It has been future proofed to allow for occupier flexibility with an internal arrangement to allow for an extended family to live together, and to enable support of seniors.

Plots 1 and 2 have 10m. -12m. long gardens. Plot 3 has a shallower but still sizeable garden with total useable garden area of 150m^2 (excluding its own driveway). The window-to-window distance of Plot 3 to the rear of Plot 2 is more than 20m.

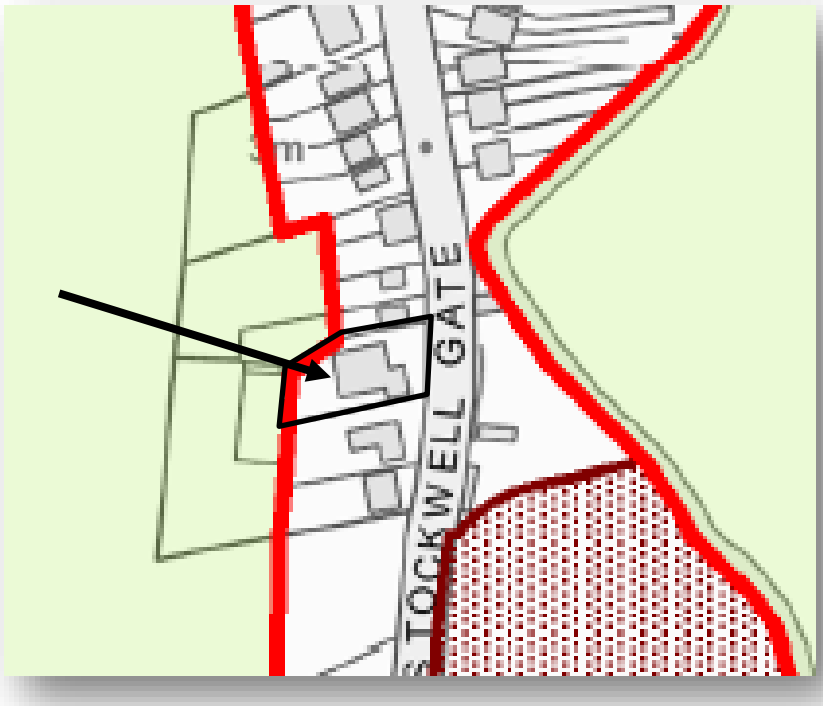
The combined footprint of all new buildings is 320m^2 which is 25% of the site area (replacing a present structure of 255m^2 , 20% of the site area).



3. Policy

One of the requirements for the emerging South East Lincolnshire Local Plan seeks the development of the 'Other Service Centres and Settlements' Whaplode is identified as a `Minor Service Centre`. An assessment of settlements and their sustainability credentials June 2015 in the South East Lincolnshire Local Plan identifies Whaplode as being a sustainable location for future development.

The site's location inside the development boundary is shown below.





4. Evaluation.

a. Principle of the use.

As the site falls inside the Whaplode development boundary, the principle of the development is acceptable.

Further the site is already occupied by a large house that is to be replaced. It is 'previously developed land' and thereby benefits from an accommodating policy framework.

b. Impact on the area's character.

The present site is occupied by an exceptionally large single-storey house and a range of substantial outbuildings. All of these would be displaced by the proposal.

The footprint of 3 new houses would be noticeable from the front and rear as they are variously 2 and 1.5 floors high, and replace a single storey building However, the new replacement floorspace only increases ground cover to a small degree. This is as measured by building footprints, from a present 255m^2 (20% of the site) up to a proposed 320m^2 (25% of the site). It therefore represents only a modest increase in ground cover thereby without adverse visual impact.

The present single-storey structure is pleasant but somewhat functional in appearance. The form and design of the new development would offer a more positive contribution to the appearance of the area. It will achieve this by offering new houses that echo the form and appearance of immediately adjacent houses, with a design articulation that includes strong gable features.

The rearmost plot lies on the edge of the open countryside, but it is not obtrusive form that perspective as there is no close-proximity, public view from the west.

c. Relationship with neighbouring property.

Plots 1 and 2 are infill plots arranged in a staggered form between the neighbours to the north and south. They form a natural continuation of development and there is generous separation.

The house to the north of this site (*Birch Lodge*) is not directly adversely affected by the development. This is given the distance of the nearest new structure (Plot 1); the distance from that property is more than 4m at the closest point. There are no directly overlooking windows.

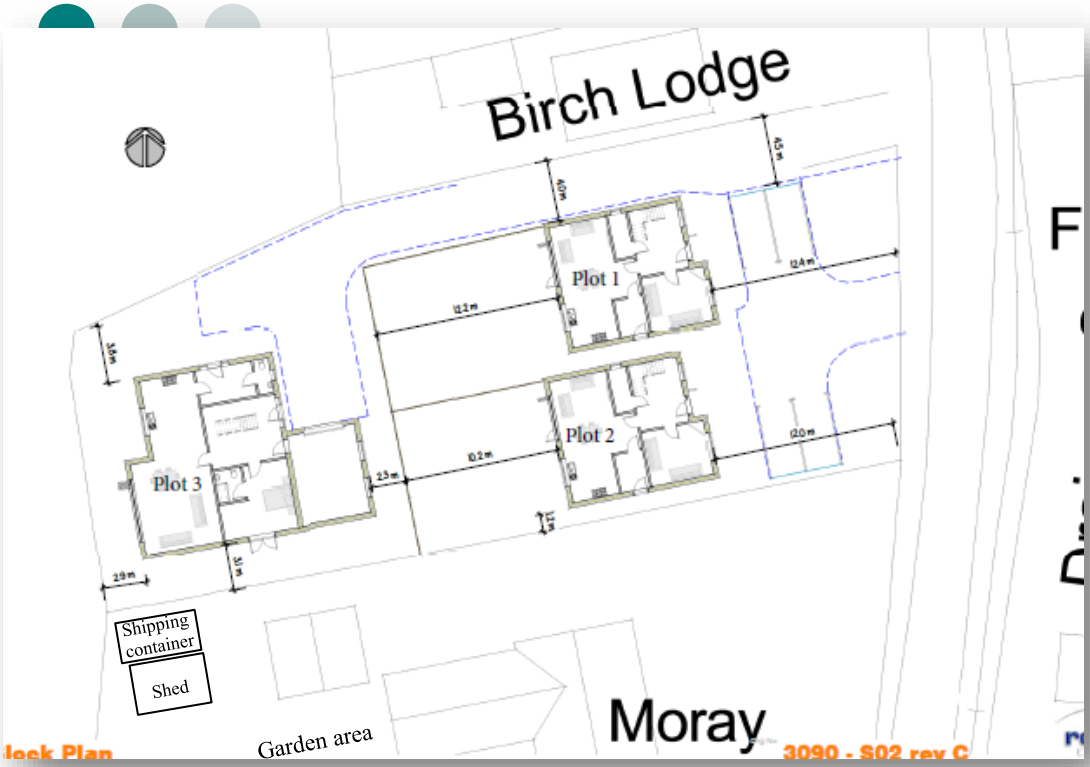
Plot 3 lies 3.1 metres off a common boundary with the property to the south (called *Moray*). See block plan on the next page.

It may be noted that the property to the south also has 1.5-storey rear projections close to its own northern boundary running down a substantial length of the common boundary. *Moray*'s garden is to the south of the house, away from the common boundary. The existence of these structures means that *Plot 3* does not appear in any way obtrusive, nor out of character. This is because although *Plot 3* is a substantial structure, it follows the same style and a similar form as found at *Moray* (to the south). This is seen with, for example, strong gable features. It is no higher than its neighbours. Rooflights are common to both.

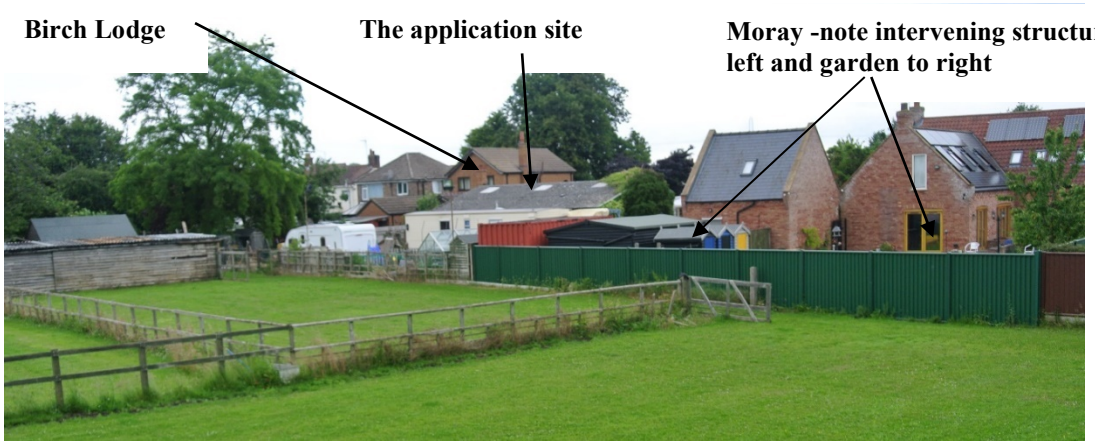
It is also important to note that Moray's principal garden area is further to the south at a considerable distance with intervening storage structures and functional objects.

The photographs overpage shows the neighbour's house, *Moray*, with a substantial extension and outbuildings (shipping container, large metal shed and timber sheds). The present development thereby does not in any way feature obtrusively relative to the neighbours living space nor its garden.

The following photographs overpage provide visual context.


Birch Lodge
Plot 1
Plot 2
Plot 3
Shipping container
Shed
Garden area
Moray
3090 - S02 rev C


Stockwell Gate
Shipping container
Shed
Garden area



Above : Looking north-east toward the western boundary of the application site and adjoining houses

Below: Looking south from the application site towards the house to the south, 'Moray'



Appendix 2
Refusal Notice
H23-1158-20

Matrix Planning Ltd.
38 Wade Park Avenue
Market Deeping
Peterborough
PE6 8JL

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H23-1158-20 **Date of Decision:** 17th February 2021

Applicant: Mr D Carroll
Springway
Stockwell Gate
Whaplode
Spalding
PE12 6UE

Location: Springway Stockwell Gate Whaplode Spalding

Description: Demolition of dwelling and erection of 3 houses

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The built environment in the surroundings of the site consists of a well-defined ribbon development onto Stockwell Gate. The erection of Plot 3 to the rear of the other two plots would unduly harm the linear pattern of development which defines the character of the local area. The Local Planning Authority is mindful of several domestic curtilages nearby having outbuildings to the rear of the dwellings. However, none of them are an independent building for permanent residential use but for incidental enjoyment of the dwellings.

DC_FINAL_DECISION_ODB:14

Therefore, the application is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Paragraph 127 of the National Planning Policy Framework, 2019.

2 Paragraph 127 of the 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 separation distance between the dormer window of Plot 3 facing eastwards and the rear of Plot 1 would not be sufficient to prevent significant overlooking between primary windows and from a primary window to private domestic garden. Moreover, Plot 3 would not have a well-defined and sufficiently sized garden to appropriately ensure an external amenity area for the enjoyment of future occupiers.

For the reasons above, the application is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Paragraph 127 of the National Planning Policy Framework, 2019.

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

The proposed plots onto Stockwell Gate would have 4 bedrooms and no in-built garage. Two parking spaces on the driveway are only provided per plot and there should be one further to prevent on-street parking.

Therefore, this application is contrary to Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

3090 S01 Rev A
3090 301 Rev B
3090 302 Rev C
3090 303 Rev C
3090 S04

3090 S02 Rev C
3090 S03 Rev C
3090 100
3090 101
3090 102
3090 103
3090 300 Rev C
Flood Risk Assessment by S M Hemmings dated November 2020
Application Form



Phil Norman
Planning and Building Control Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

Appendix 3
Approval Notice H23-1083-20, block plan and officer report

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

H A Architectural Services
The Limes
80 High Street
Ketton
Stamford
PE9 3TE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H23-1083-20 **Date of Decision:** 23rd March 2021

Applicant: Stinders Developments Co Ltd.
5 Thackers Way
Deeping St James
Peterborough
PE6 8HP

Location: Land Adjacent To The Heathers Stockwell Gate Whaplode Spalding

Description: Residential Development of 9 three, four & five bed properties

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
4128/100 P1;
4128/110;
4128/111;
4128/001 P2;
4128/120;
4128/121;
4128/002 P2;
4128/130;
4128/131;

DC_FINAL_DECISION_ODB:14

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-1083-20**	**Applicant:**	**Stinders Developments Co Ltd.**
Proposal:	Residential Development of 9 three, four & five bed properties		
Location:	Land Adjacent To The Heathers Stockwell Gate Whaplode		
Terminal Date:	26th March 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
05	Meeting Physical Infrastructure and Service Needs
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 12, 14, 15.

Representations:

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

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	2	7	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission is sought for 2 no. 3 bed houses, 4 no. 4 bed houses and 3 no. 5 bed houses (total 9), served by a new roadway constructed to adoptable standards.

SITE DESCRIPTION

The site (some 0.45ha) is currently agricultural land located on the western side of Stockwell Gate. A bungalow (The Heathers) is located to the north and residential garden associated with a bungalow (Dane Acre) to the south. A footway and agricultural land are currently located opposite.

RELEVANT PLANNING HISTORY

H23-1205-17 - O/A - Residential development together with field access - Granted 9 February 2018

H23-0890-20 - O/A - Residential development together with field access - Granted 2 December 2020.

CONSULTATION RESPONSES

Whaplode Parish Council

Object. Rear of site outside defined settlement limit; Contrary to Policy 1 of SELLP, 2019 and advice within the National Planning Policy Framework; overbearing and unneighbourly form of development out of keeping with the character of the area and detrimental to the amenities of adjoining properties; Substantial surface water run-off, thereby increasing the incidence of flood conditions.

LCC Highways

No objections subject to conditions.

South Holland IDB

Recommend drainage strategy. Discharge to a drain will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Anglian Water

Confirm there is a 150mm public sewer within the development site area which should be taken into consideration during the site layout design.

SHDC Environmental Protection

No comments or objections.

Public

Objections received (summarised):
Additional housing unnecessary/unwanted; Contrary to policy; Unsustainable; Poor drainage; Out of character; Overlooking/lack of privacy; Noise/disruption; Stockwell Gate unsuitable for additional development; Flood risk; Health issues; Blockage of view; Loss of prime agricultural land; Harm wildlife.

Letters of support also received (summarised);
Help support the village, Need more homes; In ideal location for schools and local amenities; No detrimental effect upon village; Good quality housing.

PLANNING CONSIDERATIONS

The main issues in this case are:
- Housing policy/sustainability;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and ecology.

Principle/Sustainability

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.

The site's frontage is inside Whaplode Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Moreover, it has outline planning permission for frontage residential development (ref. H23-0890-20).

The current proposal, however, is for a small cul-de-sac of nine houses served off an adoptable road. The rear section of the site is outside the settlement limit and is therefore regarded as countryside. SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable needs of the area in terms of economic, community or environmental benefits. These issues are therefore addressed below.

Economic - Future occupants may work locally, support local services and therefore make a small contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

Social/Community - The proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. Also, Whaplode is defined as a Minor Service Centre in the South East Lincolnshire Local Plan, 2019. It has local services and facilities such as a primary school and convenience stores, takeaway outlets, etc. It is also on a main public transport route. The site is partially within the defined settlement limit and there is a footway on the opposite side of Stockwell Gate. It is considered to be reasonably accessible to local services by means other than a motor vehicle.

Environmental - Existing development to the south of the site on the western side of Stockwell Gate consists of 3 frontage properties on plots of a varied depth, followed by estate development (Tulipfields). Development to the north is predominantly frontage. On this basis, frontage development would appear most appropriate. However, it should be noted that agricultural land immediately opposite is an allocated housing site (Wha002) and will most likely be developed in the near future (ie, a small housing estate). The northern extent of the allocated site more or less corresponds with the northern boundary of the development the subject of this application. Given the specific characteristics of this part of Stockwell Gate, it would be difficult to argue that a small cul-de-sac development would be out of character.

The proposed houses are relatively large. However, existing development along Stockwell Gate is generally varied and has an eclectic mix of housing in terms of age, size and design/appearance. The proposed dwellings would be constructed in red brickwork, with a slate grey roofing tile. It is

considered that the proposed houses would not materially harm the existing streetscene.

In policy terms, therefore, it is considered that the proposal would have some social and economic benefits and that it would not cause significant environmental harm in terms of materially harming the character/appearance of this part of Stockwell Gate.

The proposal is not therefore contrary to the aims and objectives of Policies 1, 2 and 3 of the SELLP, 2019. Policy 2 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. These policies are in accordance with advice within the National Planning Policy Framework, 2019. Paragraph 58 indicates that new development should respond to local character.

Residential Amenity

A bungalow (The Heathers) is located to the north. It has a lounge window facing south towards the site and a low garden wall along the front section of the common boundary. Residential garden associated with a bungalow (Dane Acre) is situated to the south, with a high Privet hedge along the boundary. The proposed houses directly facing the neighbouring properties are mainly at least 10 metres from the common boundary. The houses on Plots 1 and 9 are typical frontage properties and would overlook at an oblique angle. The first floor on the southern elevation of Plot 1 and northern elevation of Plot 9 would either be oblique (bathroom) or serve a landing. The general relationship of the proposed development to neighbouring development has been taken into consideration, including separation distances, plus the design/layout of the houses, and it is considered that the scheme would not materially harm the amenity of nearby residents in terms of lack of privacy, overlooking, overshadowing, overbearing effect, etc. This is subject to appropriate boundary screening.

It is recognised that there would be some additional noise and general disturbance generated by additional vehicles and general activity within rear gardens, etc, as well as constructional traffic/work. However, along with health factors, this is not considered to be such as to justify refusal and outweigh factors in favour of the proposal. Construction work could be controlled to an acceptable degree by means of a construction management plan.

Blockage of view is not a material planning consideration and therefore carries no weight. Ownership/maintenance issues are a separate legal matter.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in this respect.

Highway Safety

The development would be served by an adoptable road with a "T" turning head and footways at the site's entrance. Each plot would have satisfactory parking facilities. A footway is situated opposite which runs south towards the village. LCC Highways has raised no objections on highway safety grounds, subject to conditions.

The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in terms of highway safety and parking requirements.

Other Material Considerations

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 defence 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, which would be approximately 400mm above the level of Stockwell Gate.

Drainage - A mains sewer runs along the site's frontage. Surface water would be disposed of via a sustainable drainage system (harvesting tanks). More precise details can be obtained by means of

conditions.

It is understood that a 150mm public foul sewer runs across the site to serve properties to the north. Clearance and any re-routing falls with the remit of Anglian Water, who are aware of the proposed development.

Ecology - The site is currently farmed land so is not of high ecological value. The existing hedge along the southern boundary is within the ownership of the neighbouring property.

Loss of agricultural land - It is recognised that the proposal would result in the loss of high-quality agricultural land to housing. Records show that the vast majority of land within South Holland is either Grade 1 or Grade 2. 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 this 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.

Planning Balance

The proposal is for a small cul-de-sac of nine houses served off an adoptable road. The rear section of the site is outside Whaplode settlement limit and is therefore regarded as countryside. However, the scheme is considered sustainable in the sense that it would bring socio/economic benefits and would not materially harm the existing character/appearance of this part of Stockwell Gate. Nor would it materially harm the amenity of neighbouring residents in terms of lack of privacy, overlooking, overshadowing, overbearing effect, noise and disturbance, etc, subject to conditions.

There are no significant highway or flood risk issues and drainage can be addressed by means of a condition(s).

The proposal is therefore generally in accordance with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. Loss of agricultural land is a material consideration but is not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal and the policies referred to above.

CONCLUSION

The planning balance lies in favour of the proposal.

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.

RECOMMENDATION

That the application be approved under delegated powers.

The application was referred to Chairman's Panel on 19 March where a delegated decision was agreed.

4128/003 P2;
4128/140;
4128/141;
4128/004 P2;
Design and Access Statement incorporating Flood Risk Assessment by HA Architectural Services.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Before the commencement of the development hereby permitted beyond oversite, and notwithstanding the submitted details, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Note: The proposed dwellings should be constructed in red brickwork, with a slate grey roofing tile.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 Proposed site levels shall remain as existing, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 Prior to its installation, full details of the proposed boundary treatment/screening, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6 Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of

the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is commenced and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Stockwell Gate and residential amenity.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8 Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

9 The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

10 Before the commencement of the development hereby granted beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent

increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

11 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, including/plus the following, unless agreed otherwise in writing by the Local Planning Authority:
- Finished floor levels shall be 300mm above existing ground level;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level;
The mitigation measures shall be fully implemented prior to occupation.

Notes:
1. The applicant is advised to refer to the following document for information on flood resilience and resistance techniques that could be incorporated into the development: "Improving Flood Performance of New Buildings - Flood Resilient Construction" (Department for Communities and Local Government, 2007);
2. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

12 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

A 150mm Anglian Water sewer runs through the site with a 3.0 metre easement from the centre line of the sewer. The developer is therefore advised to liaise with the Anglian Water drainage team prior to commencing.

All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.



Phil Norman
Planning and Building Control Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.



1 Site
1 : 200



2 Site Location Plan
1 : 1250

North

0m 25m 50m 75m 100m 125m

VISUAL SCALE 1:1250 @ A1

0m 4m 8m 12m 16m 20m

VISUAL SCALE 1:200 @ A1

rev	date	name	chk	note
P1	08.02.21	DH	SP	Road layout updated

HA architectural Services
A The Limes, 80 High Street, Ketton, Stamford PE9 3TE
T 01780729122
E simon@h-a-architectural.co.uk

A1
Original Sheet Size

STATUS
PLANNING

- All rights described in chapter IV of the copyright, designs and patents act 1988 have been generally asserted
- Where any drawing is to be read in conjunction with another, including specialists, the two drawings shall be cross-checked and any descrepancies reported to the architect before the work is put in hand
- All dimensions are in millimeters, all levels are in metres, unless shown otherwise
- Any discrepancies in dimensions or details on or between these drawings/specifications should be drawn to the attention of the Den Architectural and or the engineer in writing for clarification
- Drawing prepared solely for the use of client, as detailed in text box, and is not to be copied, lent or used by any third party without written permission

PROJECT
Project Name
Proposed Development to Land off
Stockwell Road
Whaplode
Spalding

CLIENT
Stinders Developments

DRAWING TITLE
Site Location & Block Plan

SCALE	DATE	DRAWN	CHK
As indicated	23.11.2020	DH	SP

DRAWING NUMBER	REVISION
4128 / 100	P1

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