

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0502-21 **Applicant:** S Wagstaff

Proposal: Outline planning permission for the demolition of the existing property and outbuildings, and redevelopment of the site to provide 4 two-storey houses.

Location: Red Roofs Main Road Whaplode Drove

Terminal Date: 1st 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
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

NPPF 2021.

Section 2. Achieving sustainable development.

Section 4. Decision making.

Section 5. Delivering a sufficient supply of homes.

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	0	0	1
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	1	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for 4 no. two-storey houses, with all matters reserved for subsequent approval. An existing bungalow ("Red Roofs") and associated outbuildings on the site would be demolished.

Site Description

The site (some 0.18ha) is located on the southern side of Main/Drove Road and is currently residential curtilage associated with "Red Roofs". A bungalow ("Lynton Pillars") is situated to the west. A number of trees/shrubs front the site.

History

No recent history.

Consultation Responses

Whaplode Parish Council

Looks to be an overdevelopment of the site

LCC Highways/SUDs

No objection subject to conditions/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 objections.

Public

No comments received.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

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.

The appeal site is located outside Whaplode Drove Settlement Boundary as defined in the adopted South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site lies within the countryside.

SELLP Policy 1 directs developments within settlement boundaries. It defines Whaplode Drove as a low tier settlement or "Other Service Centre", which is an area of development restraint. Development within the settlement is normally limited to committed sites and infill. Policy 1 also 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 development needs of the area in terms of economic, community or environmental benefits.

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

With regards to Policy 1, it is considered that there is not sufficient justification for additional housing in this location. For example, it is not required by a rural worker.

Concerning the second element, the proposed development may be considered suitable in terms of access to local services and facilities, which include a local shop/post office, garage, village hall, community centre, recreation ground, etc.

However, the site is located on the southern side of Main Road, divorced from the settlement. Existing development within the vicinity is loosely defined or scattered. The proposal would intensify and consolidate existing residential development in the countryside and therefore harm its present character and appearance.

Consequently, it is considered that the proposed development would not provide a sustainable location for new housing having regard to the character and appearance of the area. Therefore, it would conflict with Local Plan Policy 1 which seeks to direct development within settlement boundaries and with Local Plan Policy 2, which requires developments that respect the character and appearance of the area among other things. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework, which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Residential Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest residential property is a bungalow ("Lynton Pillars") to the west, which is approximately 15 metres from the common boundary. Open land is located to the east and south. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect and overshadowing.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The site is presently served by a single vehicular access. The indicative block plan indicates that this would be increased to two. Sufficient space could be made available on site for parking,

especially if the properties were 3 bedrooms or less. LCC Highways have been consulted and have raised no objections subject to the provision of a frontage footway and the applicant being made aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

The proposal satisfactorily complies with Policies 2, 3 and 36 in terms of highway safety/parking requirements.

Other Material Considerations

Flood Risk - The site is within Flood Zone 1 of the Environment Agency's Flood Maps and within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (2017). The proposal therefore satisfies the sequential test. In terms of the exceptions test, 300mm FFLs are recommended if permission is forthcoming.

Drainage - This matter could be addressed by means of conditions if permission was forthcoming.

Planning Balance

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 is located outside Whaplode Drove Settlement Boundary within an area categorised as countryside. It is considered that the proposal would intensify and consolidate existing residential development in the countryside and consequently harm its present character and appearance.

The site is not therefore considered to be a sustainable location for new housing because of the environmental harm that it would cause. It therefore conflicts with Policy 1 of the South East Lincolnshire Local Plan, 2019, which seeks to direct development to within settlement boundaries and with Local Plan Policies 2 and 3, which require new development to respect the character and appearance of the area. The proposal also conflicts with paragraph 130 of the National Planning Policy Framework, 2021, which indicates that new development should be sympathetic to local character and add to the overall quality of the area.

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

The planning balance lies against the proposal in the sense that the proposal would cause significant environmental harm. It is therefore recommended that the application be refused under delegated powers.