DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0521-21**	**Applicant:**	**Mr D Braddick**
Proposal:	Proposed 3 bed bungalow with access, parking, hard and soft landscaping including retention of existing garages and demolition of barn		
Location:	Adj. 48 Broadgate Whaplode Drove Spalding		
Terminal Date:	14th 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
11	Distribution of New Housing
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a 3 bed bungalow. A brick and pantile outbuilding and small shed would be demolished, whilst an existing building at the rear would be retained and used for garaging.

Site Description

The application site is located between nos. 44 (bungalow) and 48 (house) and is currently occupied by various outbuildings (former agricultural).

History

H23-0331-19 - O/A - Residential development - Refused 20 May 2019. Dismissed on appeal 20 March 2020.

H23-0870-19 - O/A - Residential development - single-storey dwelling and detached triple garage (re-submission of H23-0331-19) - Refused 31 October 2019.

H23-0579-20 - O/A - Residential Development (one dwelling) - Granted 8 October 2020.

H23-0522-21 - Full - Proposed stables, training ring and change of use of land to paddocks - Under consideration.

Consultation Responses

Whaplode Parish Council

Supported.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

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

Request contaminated land condition.

LCC Archaeology

No further archaeological input required.

Public

No comments received.

Planning Considerations

The main issues are:
- Policy/principle;
- The effect of the proposed development on the character and appearance of the area;
- Residential amenity;
- Highway safety;
- Other material considerations such as flood risk, drainage, contamination and archaeology.

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 parcel of land to the rear, which incorporates the building to be retained and converted to garaging, the site is inside Whaplode Drove Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Shepeau Stow, 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 committed sites and infill.

In this case the proposed development is frontage infill within the existing village fabric and has outline planning permission for a frontage plot (ref. H23-0579-20). The proposal is therefore considered acceptable in locational terms and satisfactorily complies with the aims and objectives of Policy 1 of the South East Lincolnshire Local Plan, 2020.

Character/appearance

Policies 2 and 3 of 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2019. Paragraph 127 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.

The site is essentially a frontage plot on the western side of Broadgate. It has already been agreed that the existing barn be removed by virtue of outline planning permission ref. H23-0579-20. Permission is sought for a 3 bed bungalow to be constructed in TBS Euphoria bricks and Sandtoft Flat Calderdale roof tiles (darlk grey), with dark grey uPVC windows. The scheme includes tree planting within the front garden area and retention of a frontage hedge.

There is an eclectic mix of house types along this part of the village, including a bungalow immediately to the north. The proposal is considered acceptable in terms of design and would not materially ham the character or appearance of the locality.

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

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 (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

A bungalow (no. 44) is located to the north with a conservatory nearest the site. A house is situated to the south with a driveway in between and extension at the rear. The proposed bungalow is on a similar building line. It has kitchen, garden room and secondary lounge window on its northern elevation and an en-suite (obscure glazed) window on its southern, with garden room and hall windows set further back. 1.8 metre high closeboarded fencing is proposed along the side boundaries. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking/lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal is in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highways

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

The proposal includes space for at least 2 vehicles and a turning area. LCC Highways have indicated that the existing access meets the guidelines as set out in Manual for Streets. They are therefore of the opinion that the proposal would not result in an unacceptable impact on highway safety.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP.

Flood Risk

In terms of flood risk, the site is located within Flood Zone 1 of the Environment Agency's Flood Maps. The Strategic Flood Risk Assessment indicates that the site is within an area identified as no hazard. The proposal therefore passes the sequential test.

Concerning the exceptions test, it is recommended that the finished floor level of the dwelling be set 300mm above existing ground level with a further 300mm of flood resilient construction above finished floor level. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Drainage

Proposals should incorporate the use of Sustainable Drainage Systems (SuDS) as far as possible, unless it is demonstrated that this is not technically feasible in accordance with Policy 4 of SELLP, 2019 and Paragraph 162 of National Planning Policy Framework (NPPF), 2019.

Surface water would be disposed of via crate soakaways. Foul water would be disposed of to a package treatment plant with sub-irrigation drainage field given the absence of mains sewer at the immediacy of the site. The drainage strategy is deemed acceptable in the interest of preventing soil pollution and promoting sustainable approaches to surface flooding.

Contamination

The site has formerly been used as part of a farmyard. Environmental protection have therefore recommended a contaminated land condition.

Archaeology

The proposed development would involve the demolition of a small historic barn of traditional construction. LCC Archaeology welcomes the photographic record of the barn that has been submitted with the application and prior to the barn's demolition. They have indicated that it should provide sufficient record of the building and therefore do not recommend that any further archaeological input is required.

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 within Whaplode Drove Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019 and the proposal is frontage infill. It is considered that the proposal would not materially harm the character/appearance of the locality. The amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance etc. LCC Highways have raised no objections to the scheme on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2019. There are no matters of such weight as to outweigh factors in favour of the proposal and the policies referred to above.

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 in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.