DECISION DELEGATED TO DEVELOPMENT MANAGER

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|---|---|---|---|
| **Application No:** | **H23-0579-20** | **Applicant:** | **Mr & Mrs R Tomizzi** |
| **Proposal:** | Residential Development (one dwelling) | | |
| **Location:** | Off Broadgate Whaplode Drove Spalding | | |
| **Terminal Date:** | 14th October 2020 | | |

**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 |
| 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 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | | | | |

| | | | | |
|---|---|---|---|---|
| | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

This is a planning application that seeks outline planning permission for one dwelling in land off Broadgate, Whaplode Drove, Spalding.

### Site Description

The site is part of the linear development that characterises the village of Whaplode Drove. It is within the frontage on the western side of Broadgate. To the south, No. 48 is a large detached two-storey cottage. To the north, No. 44 is a detached bungalow. To the east, the footpath and single carriageway of Broadgate. To the west, a vast piece of grassland extending towards the open flat fields that surrounds the built-up area of the village.

A driveway runs to the south which serves to No. 48 and an old barn and garage. One further runs to the north between the application site and the curtilage of No. 44. It provides access to the greenfield where the application site backs onto. The front half of the site is grassland with some young leafy trees. A well-maintained conifer hedge bonds the eastern boundary onto the footpath and the north boundary onto a driveway. The rear half is partially gravelled with an old barn and a derelict garage.

A 2 metre high timber closeboard fence is along the southern boundary of No. 44 abutting the driveway and it becomes shorter as it approaches the footpath. A conifer hedge is between the front garden of No. 48 and the adjacent driveway. The rear garden is not enclosed.

### History

H23-0870-19 - Residential development - single-storey dwelling and detached triple garage (re-submission of H23-0331-19) - Refused

H23-0331-19 - Residential development - Refused & Appeal Dismissed

### Consultation Responses

LCC Highways/SUdS Authority

No objection.

Request to add two informative notes to the permission regarding the new vehicular access.

SHDC Conservation Officer

No objection.

Requests the submission of an appropriate Photographic Historic Building Recording of the old barn prior to the commencement of works.

SHDC Environmental Protection Officer

No comment.

South Holland IDB

No objection.

Reminds that the proposed works should comply with Board's byelaws.

Whaplode Parish Council

Supports this application.

**Planning Considerations**

Principle of development

The site is within the settlement boundaries for Whaplode Drove as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP 2019 is aimed to define the local spatial strategy. In conjunction with the settlement boundaries, a settlement hierarchy indicates in descending order where the most sustainable locations will be promoted for new development.

This Policy identifies Whaplode Drove as one of the Other Service Centres and Settlements, where development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill.

The scheme will be infill development. The proposed site is vacant land and is flanked by two other existing properties.

According to "South Holland District Council 5-year Housing Land Supply Assessment (as at 31st March 2020)", the Council is capable of delivering housing land supply of 9.1 years under the Liverpool method. Although housing sufficiency has been met, additional dwellings being delivered by the proposal would make a social contribution albeit only a little.

The future occupants of the dwelling may work locally and support local services and make a contribution to the local economy and the sustainability of the village. It is known the limited availability of services and facilities in Whaplode Drove to meet the day-to-day needs. However, the scheme is a single detached dwelling and a low number of occupiers will move to the village, even they might be existing neighbours. The pressure on the limited services will be negligible by way of granting permission to this development.

In summary, the principle of development for the proposed scheme is deemed acceptable. Any adverse impacts of granting permission for the development would not significantly and demonstrably outweigh the benefits. On balance, this application accords with Policy 1 of SELLP, 2019.

Flood risk

The site lies on Flood Zone 1 as per the Environment Agency's Flood Map. It has accordingly the lowest flood risk hazard according to South East Lincolnshire Strategic Flood Risk Assessment (March 2017).

Section 14 of the National Planning Policy Framework (NPPF), 2019 set out the guidance for assessing the relationship between new development and flood risk in the context of taking a proactive approach to mitigating and adapting to climate change. Policy 4 of SELLP, 2019 echoes most of the national provisions concerning flood risk.

Paragraphs 155 to 165 establishes the framework on which both policy-making and decision-making should be based when addressing flood risk. A Sequential Test should be applied to steer new development to areas with the lowest risk of flooding. In this case, the site has the lowest flood risk probability possible, thereby no need to apply any risk-based approach. The proposed development will be overall safe in terms of flooding. Notwithstanding this, new development is an

opportunity to reduce the causes and impacts of flooding albeit low. The incorporation of SUdS as natural flood management techniques will be well-regarded to manage e.g flooding from surface water runoff and this should be assessed at a later stage once outline permission be granted.

In summary, the site has low flood risk taking into account the climate change effect. In its outline form, the proposed development will be acceptable in accordance with Section 14 of NPPF, 2019 and Policy 4 of SELLP, 2019.

Design and layout

Paragraph 127 of 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; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

This application has been submitted with an indicative block plan. On said indicative block plan, the footprint of the development sits well within the site. The dwelling could be positioned insofar as it will follow the building line across the neighbouring properties on the frontage. There can be wide separation distances with the adjoining properties No. 44 and 48. The rear garden appears fairly sufficient for the enjoyment of future occupiers. A detached garage and spacious driveway might be appropriate to park at least between two and three cars within the curtilage and therefore prevent on-street parking.

There is currently on the site an old barn and a modern garage in a state of disrepair. Both buildings will be demolished to gain further floorspace and accommodate the proposals. The garage unit has visibly no significance although the old barn might have some historic interest by virtue of the age. SHDC Conservation Officer has been consulted about the demolition of this barn and stated that the building is neither listed, nor within any established Conservation Area and the subject structure, whilst historic, is not particularly unique or characterful and is not representative of any one period of use. However, it would be beneficial if a Photographic Historic Building recording could be required by means of condition and undertaken prior to demolition of the structure.

Previous applications for residential development were refused on the basis that the development footprint will encroach onto the vast greenfield land to the west which would erode the rural character of the locality. The proposal hereby submitted address appropriately such material impact upon the character of the area. All residential development will be confined between both adjoining plots following the linear development of Whaplode Road. Therefore, no severe harm will occur on the adjacent countryside and the form of development will be in keeping with the existing environment in the locality.

However, the proposal is in its outline form. The material consideration concerning design, layout and character of the area will be addressed comprehensively later. For now, the indicative site layout reveals an appropriate form of development and therefore this application, in principle, complies with Policies 2 and 3 of SELLP, 2019 and Paragraph 127 of NPPF, 2019.

Residential amenity

In its outline form, the housing type has not been detailed. Notwithstanding this, given the separation distances that can be achieved with the opposing elevations, overlooking effect could be feasibly avoided by appropriate window position should the dwelling be two-storey.

No scale neither height have been specified on this application. This will be one of the essential considerations at a later stage once outline permission be approved.

Subject to further proposal details, the application complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

**Conclusion**

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11 and 36 as well as Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via 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.