DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0698-22**	**Applicant:**	**Mr M Taylor**
Proposal:	Residential Development (maximum 2 plots)		
Location:	Rear Of Westerley Back Bank Whaplode Drove		
Terminal Date:	13th September 2022		

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting sustainable transport.
Section 12. Achieving well designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural 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 ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (2 plots), with all matters reserved for subsequent approval. The application is accompanied by an indicative site layout plan showing two dwellings off a shared private drive.

Site Description

The site (some 0.25ha) is currently garden land located to the rear of Westerley (house). A bungalow (Field View) is situated to the north-west and a new bungalow is under construction to the south-west (Ref. H23-0938-19 and H23-1049-20). Bungalows (nos. 27-31 odd Farrow Road) are located to the north and a house (no. 25 Farrow Road) to the north-east.

Site History

No recent site history

Consultation Responses

Whaplode Parish Council

Support.

LCC Highways

Does not wish to restrict the grant of permission.

SHIDB

If the applicant proposes to discharge surface water/treated foul water to a watercourse, consent would be required under Byelaw 3.

LCC Historic Environment Officer

Request conditions.

Anglian Water

No comments unless there are specific drainage issues.

Public

Objections received (summarised):
- Are they within village building line? Not infill
- Close to neighbouring property
- Blockage of daylight
- Overlooking/lack of privacy
- Noise/disturbance
- Back Bank and surrounding roads unsuitable for further residential development due to width/construction, pot holes, subsidence and traffic speed, etc
- Close to junction
- Exacerbate flooding
- Los Set undesirable precedent
- Lack of infrastructure and service facilities such as doctors and NHS dentists
- Loss of wildlife. Bats frequent area
- Will they be bungalows?
- Loss of views
- Devaluation of property

Planning Considerations

The main issues in this case are:

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

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 is inside Whaplode Drove Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centre and Settlements, including Whaplode Drove, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to committed sites and infill.

The site is not committed or frontage infill. However, it essentially rounds off existing development on the corner of Farrow Road and Back Bank. Taking the character of the immediate area into account it is considered that the erection of two dwellings of appropriate design would be difficult to resist on grounds that it would have a harmful effect upon the rural locality.

Concerns have been raised on grounds that the development, if permitted, could encourage further applications of a similar nature. Such applications would be assessed on their own merits but would be on land outside the defined settlement limit.

Amenity

Policies 2 and 3 of the 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.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

A bungalow (Field View) is situated to the north-west and a new bungalow is under construction to

the south-west (Ref. H23-0938-19 and H23-1049-20). Bungalows (nos. 27-31 odd Farrow Road) are located to the north and a house (no. 25 Farrow Road) to the north-east.

It is considered that two dwellings could be accommodated upon the site without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. This is subject to the dwellings preferably being single storey and suitable boundary screening, including along the common boundary with Field View.

Matters such as blockage of view and de-valuation of property are not material planning considerations and carry no weight.

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 above policies are in accordance with advice within the Framework, 2021. Paragraph 111 indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The indicative plan shows the site served by a shared private driveway, which is relatively short and within a reasonable carrying distance from the highway. The indicative plan indicates that there would be sufficient room for parking and vehicular turning. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is within Flood Zone 1 on the Environment Agency Maps. The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore passes the sequential test. The proposal falls within the classification of "more vulnerable". However, Table 2 of National PPG indicates that the exceptions test is not required because the site is within Zone 1.

In terms of drainage, the indicative block plan makes provision for foul water treatment plants. The planning application form indicates that surface water would be discharged to soakaways. This matter can be addressed by means of a condition(s) if outline permission is forthcoming.

Ecology

Existing garden trees would be removed, including a Willow. However, they are not protected. However, given public comments, the site should be the subject of an ecological survey. The scheme should also incorporate bio-diversity enhancements.

Archaeology

LCC Archaeology has indicated that the proposed development is situated in area of high archaeological potential. A spread of Roman pottery and Roman coins have previously been reported within the plough soil of this field back in 1961, which may indicate buried remains survive here which had been disturbed by cultivation. Cropmarks of Roman settlement also known to the north, west and east of the site indicative of an extensive Roman landscape. There is thus potential for as yet unrecorded Roman remains to survive here below ground that could be impacted by

development. It is therefore recommended that the developer should be required to commission a Scheme of Archaeological Works. Thi smatter can be addressed by means of conditions.

Other Matters

Concern has been raised about the loss of high-quality agricultural land to housing. However, the majority of the 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.

Issues have also been raised concerning lack of infrastructure. However, a contributions can only be sought if the scheme involves 10 or more dwellings.

Planning Balance

The proposed development is inside Whaplode Drove Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019 and is considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the immediate locality. It is considered acceptable on amenity and highway grounds and satisfies the sequential test concerning flood risk. Concerns raised by objectors have been taken into account but are not considered to be such in this case as to outweigh benefits in favour of the scheme.

Conclusion

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

The proposal satisfactorily accords with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan and there are no material considerations that outweigh factors in favour of the scheme.

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

Grant permission subject to conditions.