

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0731-23 **Applicant:** Mr & Mrs I Sloan
Proposal: Proposed Residential Development
Location: Adj Victoria Cottage Stockwell Gate North Whaplode
Terminal Date: 10th October 2023

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 2023

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

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	0	0	0	1

INTERNAL DRAINAGE BOARD				
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline application seeking permission for a proposed residential development of one dwelling. The dwelling could potential be a bungalow featuring 3-4 bedrooms with the possibility of being a two-storey property. As the application is still in outline stage this is still subject to reserved matters where the proposal could change.

Site Description

History

H23-0183-20 - Extension and Alterations - Approved

H23-1152-22 - Proposed Cedral cladding to front and side elevations - Approved

Consultation Responses

Whaplode Parish Council

No comment.

Lincolnshire County Council Highways Authority

Recommendation: Accept in principle

The principle of development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach, in order to support any further application.

Additionally, sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

South Holland Internal Drainage Board

No objection. However, it is recommended that consent may be required under Byelaw 3 -

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, three letters of representation have been received and are summarised as following -

- We would completely lose our privacy due to the position facing our property
- The bungalow will be too close to the road due to the recent extension added to Victoria Cottage
- The proposed property would also not have any privacy either
- The amount of traffic increasing on Stockwell Gate is an issue, especially with other applications being approved. Many people do not adhere to the correct speed, improvements are needed to withstand car capacity increases, the heavy farming vehicles and 40ft trailers that use this road.
- It will take away the privacy of all the houses across the road
- Lack of infrastructure in Whaplode
- Should not be allowed to remove the Rowan Trees, they have been there for many years
- There is a big drain running right round this property which was piped by the council and filled in and runs right the way along and empties into the big drain where the bridge is. A survey should be submitted so it is not damaged by the development.
- It comes out near a bad bend and the road is not wide enough
- The road entrance is near a tight junctions near where the roadway would end
- The road is being overcome with building and it's starting to get very dangerous on this small bit of road

Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle/Policy

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting

and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the SELLP directs development to the most sustainable locations. Whaplode is classed as a minor service centre and is therefore a suitable location for development. This, however, is mostly restricted to existing commitments or infill development, excluding back-land site. In the immediate area there have been no developments in gardens and therefore this could appear out of character. As mentioned in the 'Design and Access Statement' there has been previously approved applications for residential properties within the area, however these development have taken place on land that is much more suitable and provides adequate spaces for the properties. The principle of development on this site is not considered suitable or sustainable.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2021) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within section 12 of the National Planning Policy Framework (2021), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require 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.

As the application is outline only, no details of the materials and only some design for the proposed development have been submitted. If outline approval was given, a subsequent application would have to be made to ensure that the materials are in keeping with the character of the area.

The proposed scale of the development is not out of keeping with the character of the area. There are a variety of properties which are on a large scale and some which are smaller within the area. The size of the plot however is not proportionate to the scale of the proposed dwelling. It would be a cramped form of development due to the amount of room the dwelling will take up on the plot in comparison to other existing plots. Therefore, the proposal does not appear to be in accordance with policies 2 & 3 of the SELLP and Paragraph 130 of the SELLP in regard to the size, mass and bulk.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2021) states that development should 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; and where crime and disorder, and the fear

of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The area the development will take place in is predominately residential and features multiple residential properties and therefore an extra property being situated here would not appear overbearing on the locality.

There is the potential for the property to be either a bungalow or a two storey dwelling. If the proposed dwelling were to be two storey it would significantly overlook the neighbouring property, Victoria Cottage. Due to the close proximity and therefore the closeness of the windows it would reduce privacy and impact amenity to neighbouring properties. Furthermore, the proposed dwelling would also have minimal privacy following the development taking place, the existing property (Victoria Cottage) would overlook from the windows at the house already and therefore the residents of the new dwelling would suffer greatly from a lack of privacy on their part. A bungalow would be most suited for the site due to the chance it will minimise any overshadowing or overlooking, however, if the proposed residential development were to be a bungalow they would again suffer from a lack of privacy and their amenity would be impacted again from Victoria Cottage. However, it is considered that they would not overlook other neighbouring properties. It is still considered to be a significant impact and therefore directly contradicts Policies 2 & 3 of the SELLP and should be refused for this reason as well.

The proposed garden is very small in size when compared to neighbouring plots, this would therefore mean the potential residents who would live there would have unsuitable/inadequate amenity space. There would be some room to the south for a garden however this is the only space for them due to the close proximity of the dwelling the boundary fence at the west.

Highway Safety and Parking Provision

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises 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".

Policy 36 and Appendix 6 of the SELLP relate to parking. They set out the minimum required parking spaces needed for dwellings, as the application is in outline stage there is not a definitive amount of bedrooms that have been decided. The proposed development will have either three or four bedrooms, as such they will need two or three spaces. The driveway that will be situated at the front of the site will feature adequate space for car parking and therefore is in accordance with this policy.

As the residential development is only for one dwelling it is not considered to create extra undue stress upon the highway. However, there is the potential for some concerns due to the property being situated on a slight bend and therefore the residents who will live here may struggle pulling out onto the road. Despite this, LCC Highways have not objected to this application and have stated that it is acceptable in principle, this would mean that if this application were to be approved sufficient information would be needed during the reserved matters stage for them to assess the development accordingly. As such, it can be considered that the proposal is acceptable in terms of highway safety and is not considered to unacceptably impact highway safety.

The proposal therefore accords to Policy 36 and Appendix 6 of the SELLP and Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps and is within an area classified as 'Danger for Some' within the SHDC Strategic Flood Risk Assessment. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

There are four potential sources of flooding in this area these are as follows -

- Failure or overtopping of tidal defences of the River Welland or the Wash
- Failure or overtopping of the Coronation Channel
- High Water Levels in IDB Drains
- Localised Flooding in the Area

It is considered that this development passes both the sequential and exception test as there are limited sites within the settlement that are deliverable, sustainable and sequential preferable in flood risk terms. There are also proposed mitigation measures that will help against flooding by raising the finished floor levels 300mm above the highest existing ground level at 3.63m, this will be 200mm above the finished floor level of the existing house. The distance between the site and the four sources of flooding plus the floor levels also reduces any impacts from these.

The development can therefore be considered to be in accordance with Policy 4 of the SELLP.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development within the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality, and significantly impacts the amenity of nearby residents, it does however provides adequate parking.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 4, 36 and Appendix 6 however directly conflicts with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. These factors are considered to be significant and heavily outweigh the policies it is in accordance with and the development should therefore be refused; therefore, in considering all the matters raised above the planning balance is against 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.

Recommendation

The recommendation is for a delegated refusal.