DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0795-19**	**Applicant:**	**Mr & Mrs J Graves**
Proposal:	Outline application for a single plot		
Location:	Adj. Corner House Churchgate Whaplode		
Terminal Date:	31st October 2019		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14 and 15

Representations:

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

OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single plot, including means of access. The site is accompanied by an indicative layout plan showing a 3 bed house.

Site Description

The site (some 0.025ha) is currently garden land/driveway associated with Corner House, which is located to the west. A house is located to the east.

Policies/Constraints

The site is within Whaplode Development Boundary as defined in the South East Lincolnshire Local Plan 2011-2036.

Consultation Responses

Whaplode Parish Council - Feel that a bungalow would be more appropriate.

Cllr Beal - Whilst do not have an issue with the concept of a dwelling here, do question whether a 3 bedroomed house may be deemed to be excessive due to the limited land area and close proximity to the property to the East and the proposed new property approved to the North. Would a bungalow not be better suited?

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Environmental Protection - Request a contaminated land condition.

LCC Archaeology - No archaeological impact.

Public - Resident objection received (summarised):
Blockage of light; Overlooking/lack of privacy; Drainage issues; Devaluation of property.

Planning Considerations

The main issues in this case are:
1. The principle of residential development;
2. Character and amenity issues;
3. Highway safety;
4. Other material considerations such as flood risk and contamination.

Principle/Sustainability

The site is inside Whaplode Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, including Whaplode, 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 allocated and committed sites and infill. The proposal satisfactorily complies with this policy.

Character/Appearance and Amenity

The proposal constitutes frontage infilling. Corner House is situated to the west and a cottage to the east. The site to the north-west has outline permission for two dwellings (ref: H23-0095-19). Taking into considered the existing character off the locality it is considered that a frontage dwelling (eg, small cottage) could be satisfactorily accommodated upon this site without materially harming the character or appearance of the locality.

In terms of amenity, the cottage to the east has a blank side elevation facing the site. A house is situated opposite with ground floor windows facing the site and a fenced side garden. However, the separation distances are synonymous to a normal frontage situation. It is considered that a dwelling could be accommodated without materially harming the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Highway Safety

Access to the site is via a narrow cul-de-sac that serves a small number of properties. However, the County Highways Authority has been consulted and raises no objections on highway safety grounds.

Other Material Considerations

Flood Risk - The site lies within Flood Zone 3 defined by the Environment Agency Flood Maps. The latter 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. Also, large parts of the South Holland District 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.

The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms. Concerning the exceptions test, finished floor levels should be set 300mm above existing ground level.

Drainage - Foul water would be disposed of via a mains sewer and surface water via soakaways. Drainage can be addressed by means of a condition.

Contamination - Environmental Protection has indicated that the site is within an area underlain by historic landfill. The submitted desk study seems to indicate that remediation will be required. It is therefore recommend that the full land contamination condition be applied to the application.

Conclusion

The proposal would provide additional housing within the district and is accordance with local and national policies/advice set out in the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2019. It is considered that a single dwelling (eg, small cottage) could be accommodated without materially harming the character/appearance of the locality or amenity of nearby residents. LCC Highways has raised no objections on highway safety grounds. Matters such as drainage and contamination can be addressed by means of conditions.

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.