DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0853-19**	**Applicant:**	**Mrs Chapman**
Proposal:	Residential development - four bungalows (resubmission of H23-0398-19)		
Location:	Aubretia Cranesgate South Whaplode St Catherine		
Terminal Date:	23rd 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 9, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission was refused for residential development (5 dwellings), with all matters reserved for subsequent approval, in June 2019. Outline permission is now sought for 4 bungalows. The site is accompanied by an indicative site layout plan.

Site Description

The site (some 0.18ha) is located on the eastern side of Cranesgate and is currently occupied by a bungalow (Aubretia) plus associated garden. A telephone call box is located along the frontage, plus a footway. A number of trees are situated along the site's perimeter, including a Chestnut along the southern boundary and a Willow tree at the rear.

Bungalows are situated to the north and south of the site, plus "Phoenix", which is a backland plot.

Policies/Constraints

The site is within Whaplode St Catherine Development Boundary as defined in the South East Lincolnshire Local Plan, 2019.

Representations

Whaplode Parish Council - No response.

Cllr. A Beal - Concerns regarding whether this is still over development of the site, out of keeping with the character of the location and excess traffic movements resulting from 4 properties.

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

SHDC Environmental Protection - Request full contaminated land condition.

Public - 2 resident objections received (summarised):
Overdevelopment; Out of character; Overlooking/lack of privacy; Noise/disturbance; Detrimental to highway safety; Inadequate on site parking; Trees will be removed; Drainage concerns; 2 larger bungalows would be more acceptable.

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 drainage.

Principle/Sustainability

The site is inside Whaplode St Catherine Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres and Settlements, including Whaplode St Catherine, 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.

Character/Appearance and Amenity

The site is presently an attractive open area at the rear of an existing bungalow within a rural settlement. Other than a dwelling to the south ("Phoenix"), existing dwellings within the vicinity are

situated close to the road (i.e. frontage). The indicative plan includes 2 backland plots. It is considered that the latter would constitute an inappropriate form of backland development that would be suburban in nature and which would have a harmful effect upon the existing rural character of the locality.

Moreover, the proposal would in all likelihood have a harmful effect upon the amenity of nearby residents, in terms of lack of privacy and noise and disturbance created by vehicles using the private drive.

Highway Safety

Concerns have been raised on highway grounds, including additional traffic and Cranesgate South being unsuitable to accommodate further development such as that proposed. However, there is sufficient space for on site parking in accordance with Policy 36 (and associated Appendix 6) of the Local Plan. LCC Highways has been consulted and does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The south eastern corner of the site is located within Flood Zone 2 of the Environment Agency's Flood Maps. The Environment Agency's Flood Maps 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 South Holland District lie within Flood Zones 2 and 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 South East Lincolnshire SFRA indicates that the site is located within an area identified as "No Hazard". The proposal therefore satisfies the sequential test.

Drainage - the application indicates that surface water would be disposed of via soakaways. Drainage could be addressed by means of a condition if permission was forthcoming.

Conclusion

The proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. However, the benefits are outweighed by the harm that the proposal would cause in terms of the development's effect upon the rural character and appearance and amenity of the area. A total of 4 plots are proposed, including in all likelihood 2 backland plots. The latter are not considered to be infill and would constitute an inappropriate and cramped form of backland development that would be suburban in nature and which would have a harmful effect upon the existing rural character of the locality.

Moreover, the proposal would in all likelihood have a harmful effect upon the amenity of nearby residents, in terms of lack of privacy and noise and disturbance created by vehicles using the private drive.

The proposal is therefore contrary to Policies 1 (Spatial Strategy), 2 (Development Management) and 3 (Design of New Development) of the South East Lincolnshire Local Plan (March 2019) and advice within the National Planning Policy Framework, 2019. Policy 1 classifies Whaplode St Catherine as an area of development restraint and restricts new development to infill. Policy 2 indicates that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses, as well as impact upon neighbouring land uses by reason of noise, disturbance, etc. Policy 3 requires development proposals to show that residential amenity will be secured. Paragraphs 122 and 127 of the Framework indicate that new development should be sympathetic to and maintain an area's prevailing character.

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 - That the application be refused under delegated powers.