

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0890-20 **Applicant:** Mr & Mrs Hotchkin
Proposal: Residential Development together with Field Access
Location: Adj. The Heathers Stockwell Gate Whaplode
Terminal Date: 4th December 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
11	Distribution of New Housing
28	The Natural 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 2019

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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	1	0

RESIDENTS	2	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development, with all matters reserved for subsequent approval. The application is accompanied by an indicative layout plan showing 3 no. 4 bed houses.

It should be noted that the proposal is essentially a renewal of outline permission ref. H23-1205-17, granted February 2018.

Site Description

The site (some 0.22ha) is currently agricultural land located within an existing frontage on the western side of Stockwell Gate. A bungalow (The Heathers) is located to the north and residential garden associated with a bungalow (Dane Acre) to the south.

Site History

H23-1205-17 - O/A - Residential development together with Field Access - Granted 9 February 2018

Consultation Responses

Whaplode Parish Council - Supported, but need to consider visibility of access onto Stockwell Gate, plus privacy and boundary fencing on southern and northern boundaries.

LCC Highways - No objections subject to conditions relating to parking/turning facilities and details of field access.

SHIDB - Recommend drainage strategy. Discharge to a drain will require land drainage consent.

Environmental Protection - No comments or objections.

LCC Archaeology - No input.

Public - Objections received (summarised):

Overlooking/lack of privacy; Blockage of light; Blockage of view; Stockwell Gate a rat-run; Loss of agricultural land; Object if field access developed and number of properties greater than 3; Frontage only; Sewer pipes maintenance issues; Boundary ownership/maintenance issues.

Material Considerations

The main issue in this case are:

- Principle/sustainability;
- Character/appearance;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk.

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 Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) 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 development would constitute infill. No objections are therefore raised in locational terms.

Character/Appearance

The site is located within an existing frontage and any development upon it would constitute frontage infill. It would not materially harm the character or appearance of the locality. The proposal is therefore in accordance with Policies 2 and 3 of the SELLP in this respect and advice within the National Planning Policy Framework. Paragraph 58 indicates that new development should respond to local character.

The proposal would result in the loss of high-quality agricultural land to housing. Records show that the vast majority of 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.

Residential Amenity

A bungalow (The Heathers) is located to the north and residential garden associated with a bungalow (Dane Acre) to the south. The former has a lounge window facing south towards the site. However, it would be separated from the proposed dwellings by the field access, which has an Anglian Water sewer running along it so cannot be readily developed. It is considered that the site could be developed in such a manner as not to materially harm the amenity of nearby residents in terms of lack of privacy, overlooking, overshadowing, overbearing effect, noise and disturbance, etc.

Blockage of view is not a material planning consideration and therefore carries no weight. Ownership/maintenance issues are a separate legal matter.

The proposal is therefore in accordance with Policies 2 and 3 of the SELLP in this respect.

Highway Safety

The indicative block plan indicates that there would be sufficient space for vehicular parking/turning. The County Highways Authority has raised no objections, subject to conditions relating to parking/turning facilities and details of the field access. A footway is situated opposite which runs into the village.

The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in terms of highway safety and parking requirements.

Other Material Considerations

Flood Risk - The site is within Flood Zone 3 as shown on the Environment Agency's Flood Zone Map. However, the hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test.

In terms of the exceptions test, the finished floor level of the proposed dwellings should be 300mm above the average existing ground levels, which would be approximately 400mm above the level of Stockwell Gate.

Drainage - A mains sewer runs along the site's frontage and also along the field access within the northern section of the site. Maintenance issues fall within the remit of Anglian Water. Surface water would be disposed of via soakaways.

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.

Planning Balance

The site is in a sustainable location. The proposal would not materially harm the character or appearance of the locality or amenity of nearby residents. There are no significant highway issues, subject to satisfactory parking and turning facilities. The proposal is therefore generally in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Loss of agricultural land is a material consideration but is not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance is in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.